

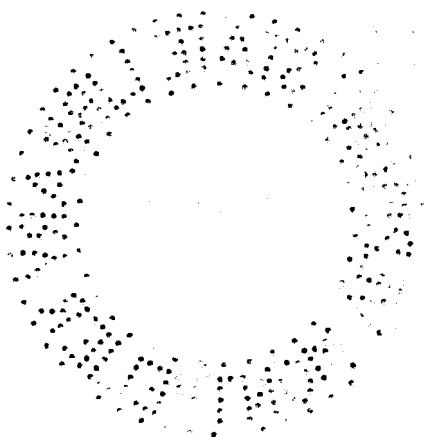
LAWS
OF THE
TERRITORY OF HAWAII
PASSED BY THE
TWENTY-SECOND LEGISLATURE

REGULAR SESSION
1943

Convened on Wednesday, the Seventeenth Day of February, and
Adjourned Sine Die on Wednesday, the Twenty-eighth Day of April

Published by Authority

Printed by
ADVERTISER PUBLISHING CO., LTD.
HONOLULU, HAWAII



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Regular Session 1943

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LAWS OF THE TERRITORY OF HAWAII
PASSED AT THE
TWENTY-SECOND REGULAR SESSION OF THE
LEGISLATURE
1943

Title I. GENERAL LAWS.

**CHAPTER 1. COMMON LAW AND
STATUTES.**

PROMULGATION OF LAWS.

[A-1] An Act to Amend Section 2 of the Revised Laws of Hawaii 1935, as Amended, Relating to the Promulgation of Laws.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 2 of the Revised Laws of Hawaii 1935, as amended in toto by Act 10 (Series A-3) Session Laws of Hawaii 1935, is hereby further amended to read as follows:

“Sec. 2. **Laws published by secretary.** The secretary of the Territory shall promulgate all the laws enacted by the legislature, except general or special appropriation Acts, loan fund Acts, pension Acts and franchise Acts, by publishing the same once in the English language in a newspaper of general circulation published daily in Honolulu in the English language. Any of such excepted Acts may, however, be published when the Governor so directs. After such publication, the secretary shall cause the same, together with all other laws duly enacted at any session of the legislature, to be printed, indexed and bound in book form. The index to any volume of the laws enacted at any regular session shall be cumulative and shall include an index of all laws enacted at every preceding regular or special session of the legislature

since the publication of the last revision of the laws of the Territory. Before publishing any Act in book form, the secretary is directed to conform the style thereof as near as may be with that of the latest revision of the statute law of the Territory. He is directed, before publishing them in book form, to classify all Acts by serial letters or numbers or both and to insert appropriate supplementary chapter and section numbers and headnotes together with section histories, wherever necessary to aid in placing amendments or new sections or chapters in an appropriate supplementary sequence with the latest revision of the laws; and such amendments, new sections and new chapters may be cited by reference to such supplementary chapter and section numbers of such latest revision." [L. 1901, c. 13, s. 1; am. L. 1917, c. 128, s. 1; R.L. 1935, s. 2; am. L. 1935, c. 10, s. 1; am. L. 1943, c. 218, s. 1.]

Section 2. This Act shall take effect upon its approval; provided, however, that that portion of section 2 of said Revised Laws as hereby amended, which provides for the inclusion of a cumulative index in any volume of laws enacted at a regular session, shall not take effect until after the termination of the regular session of the legislature to be held in the year 1945.

(Approved May 17, 1943.) **H.B. 275, Act 218.**

COMPUTATION OF TIME AND HOLIDAYS.

[See J.R. 1, *infra*, page 324, relating to daylight saving time and suspension of holidays.]

CHAPTER 2A. HAWAII DEFENSE ACT.

[A-2] An Act to Amend Act 24, Special Session Laws of Hawaii 1941, Known as the Hawaii Defense Act; Providing for the Public Health and Welfare, for the Safety of Persons and Property, for Disaster Relief, and for the Common Defense; Authorizing the Governor to Exercise Certain Powers Over Persons and Property, Businesses, Services, and Manpower; Providing for the Emergency Organization of Government and Suspension of Laws; Providing for Certain Government Transactions; Authorizing the Governor to Promulgate Rules and Regulations, to Delegate Powers, and to Impose License Fees and Make Other Charges; Providing for Penalties and Forfeitures; and Relating to Appropriations.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. It is hereby declared that the existence of a state of war, the geographical position of Hawaii, its importance as a strategic base for the armed forces of the United States, the pres-

ence of a large number of members of the armed forces and civilian war workers in addition to its normal civilian population, the dependence of the Territory upon ocean transportation for the importation of materials, food and supplies, the irregularity of shipping, and the existence of a shortage of labor, materials and supplies to perform the necessary work on projects of the armed forces and to preserve the economic life of the community, have created a situation whereby the granting of extraordinary powers to the governor is a necessary and rightful subject of legislation, to enable the governor to deal with any emergency (now existing or that may hereafter arise) either directly or through delegation of his powers, or in cooperation with federal agencies and the Army and Navy, and to that end to coordinate all functions of government, so far as possible, so that the entire resources of the Territory, both of manpower and property, be made available and utilized for the common defense, and to promote the general welfare of the Territory. Act 24 of the Special Session Laws of Hawaii 1941 as hereby amended is hereby declared necessary.

Section 2. Act 24 of the Special Session Laws of Hawaii 1941, is hereby amended by amending [Sec. 45.01] section 1 thereof in the following respects:

(1) By deleting the word "essentials" from the fifteenth, sixteenth, twentieth, twenty-third, and thirty-seventh lines thereof and by inserting in lieu thereof the words "supplies and materials".

(2) By deleting the word "of" from the eighteenth line thereof.

(3) By deleting from the forty-seventh line thereof, being the fifth line from the bottom of page 2 of the Special Session Laws of Hawaii 1941, the words "supplies and services essential to the life of the community" and by inserting in lieu thereof the words "the economic life of the community".

Section 3. Said Act 24 of the Special Session Laws of Hawaii 1941, is hereby further amended in the following respects:

(1) By amending [Sec. 45.02] section 2 thereof by amending the last sentence of said section to read as follows:

"This Act shall not be deemed to have been amended by any Act hereafter enacted at the same or any other session of the legislature, unless this Act shall be amended by express reference hereto."

(2) By amending [Sec. 45.03] section 3 thereof by adding thereto three new paragraphs to be designated "l", "m", and "n", and to read as follows:

"l. 'During a (or any) defense period and for a reasonable time thereafter', as those words are used in this Act or in any rule, regulation, or order of the governor, means and refers to the defense period proclaimed December 7, 1941, and the period thereafter during which this Act continues in effect, unless in any case the governor shall fix a shorter period."

“m. The terms ‘supplies’ and ‘materials’ include all articles, products, commodities, equipment, machinery, and other property, except real property. Such terms include, but are not limited to, essential materials.”

“n. The term ‘necessary’ means and refers to such means, measures, or other actions or determinations as are necessary in the opinion of the governor.”

(3) By amending paragraph (1) of [Sec. 45.04] section 4 thereof by deleting the first four lines thereof and by inserting in lieu thereof the following:

“(1) Guards and wardens. To appoint, train, equip, organize and control, guards and wardens who, in addition to any other persons authorized to exercise the same powers, may be authorized by the governor to exercise the following powers:”

(4) By amending paragraph (3) of [Sec. 45.04] section 4 by deleting from the fifth line thereof the words “or county” and by inserting in lieu thereof the words “or otherwise”.

(5) By amending paragraph (7) of [Sec. 45.04] section 4 thereof to read as follows:

“(7) Charges. To make charges in such cases and in such amounts as he deems advisable, for any property sold, work performed, services rendered, or accommodations or facilities furnished by the government under this Act, whenever it is not specifically provided that the same shall be at public expense; and to make charges for licenses or permits to cover the administrative expense.”

(6) By amending paragraph (8) of [Sec. 45.04] section 4 thereof in the following respects:

(a) By deleting the caption and the first sentence thereof, and by inserting in lieu thereof the following caption:

“(8) Prices of essential materials.”

(b) By deleting the last sentence thereof.

(7) By amending paragraph (9) of [Sec. 45.04] section 4 thereof to read as follows:

“(9) Conservation, distribution, and priorities. To the extent necessary (a) to prevent the destruction or waste of supplies, materials, accommodations, facilities, and services, or (b) to effectuate an equitable distribution thereof, or (c) to establish priorities as the public welfare may require; to investigate, regulate, or prohibit, by means of licenses, rationing, or otherwise, the storage, transportation, use, possession, maintenance, furnishing, sale, or distribution thereof, and any business or any transaction related thereto.”

(8) By amending paragraph (19) of [Sec. 45.04] section 4 thereof to read as follows:

“(19) Explosives, etc. To investigate, regulate, or prohibit the storage, transportation, use, possession, maintenance, furnishing, sale, or distribution of, as well as any transaction related to, explosives, firearms and ammunition (including the power to require the reregistration of firearms), inflammable materials, and other objects, implements, substances, business or services of a hazardous or dangerous character, or obstructive of military operations, or particularly capable of misuse by disloyal persons or the enemy, whenever in his opinion the laws of the Territory do not adequately provide for the common defense, public health, safety and welfare, and to authorize the seizure and forfeiture of any such objects, implements, or substances unlawfully possessed, as provided in section 9A.”

(9) By amending [Sec. 45.04] section 4 thereof by adding thereto a new paragraph to be numbered “(26)” to read as follows:

“(26) To fix the hours of business, and to suspend any provision of law as to opening and closing hours and substitute other hours as may be necessary under emergency conditions, or in furtherance of the purposes of this Act.”

(10) By amending the first three lines of subsection (b) of [Sec. 45.05] section 5 thereof to read as follows:

“(b) Powers. During any defense period and for a reasonable time thereafter the governor, in addition to any other powers vested in him, shall have the following powers:”

(11) By amending paragraph (8) of [Sec. 45.05] section 5(b) thereof to read as follows:

“(8) Accommodations; canteens. To provide accommodations in camps or otherwise, and to provide other necessities, for victims of disasters, persons who have been evacuated, or refugees, until they are suitably reestablished; to furnish accommodations to any person who, due to emergency conditions, is unable to procure a place of abode; and to operate canteens and furnish food to such classes of persons as may be designated by the governor.”

(12) By adding to [Sec. 45.05] section 5(b) thereof a new paragraph to be numbered “(14)”, and to read as follows:

“(14) To the extent necessary in order to (a) promote the common defense or (b) safeguard and preserve the life of the community; to investigate, regulate, control, or prohibit the employment and utilization of workers in any establishment, industry, facility, occupation or area, and to establish priorities and allocations with respect thereto.”

(13) By adding thereto a new section to be numbered “5 (A)”, to read as follows:

[Sec. 45.05A.] "Section 5 (A). **Defense council.** In order to provide a public body with whom the governor may consult and by whom he may be advised in the performance of his duties and in the exercise of his powers under this Act, there is hereby created a defense council to consist of twelve (12) members appointed by the governor, six (6) of whom may be appointed from the legislature. The council on the request of the governor shall confer with and advise him in regard to any of the powers and duties conferred upon the governor under the terms of this Act."

(14) By adding thereto a new section to be numbered "9A" to read as follows:

[Sec. 45.09A.] "Section 9A. **Forfeitures.** The forfeiture of any property unlawfully possessed, pursuant to paragraph (19) of section 4, may be adjudged upon conviction of the offender found to be unlawfully in possession of the same, where no person other than the offender is entitled to notice and hearing with respect to the forfeiture, or such forfeiture may be enforced by an appropriate civil proceeding brought in the name of the Territory. The district courts and circuit courts shall have concurrent jurisdiction of such civil proceedings. Any property forfeited as provided in this section may be ordered destroyed, or may be ordered delivered for public use to such agency as shall be designated by the governor or his representative, or may be ordered sold, wholly or partially, for the account of the Territory."

(15) By amending the first three lines of section 10 thereof to read as follows:

[Sec. 45.10.] "Section 10. **Requisitions; damages.** During a defense period and for a reasonable time thereafter the governor is authorized to requisition and take over any essential materials, real property or improvements,".

(16) By amending section 13 thereof to read as follows:

[Sec. 45.13.] "Section 13. **Suspensions of laws; exemptions from county mandates.** (a) Any laws or ordinances, heretofore or hereafter enacted, which are inconsistent with the powers conferred on the governor under this Act, or which impede or tend to impede the expeditious execution of the provisions of this Act or in any way conflict with its purposes, or which, under emergency conditions, are detrimental to the common defense, public health, safety, or welfare, or to the efficient discharge of governmental functions, including county functions, may be suspended by the governor, in whole or in part, or by suspending the application thereof to a designated matter or as otherwise set forth by the governor, during a defense period and for

a reasonable time thereafter. Without prejudice to the generality of the foregoing or any provision of this Act, the laws of the Territory which may be so suspended, in whole or in part, include the following: Sections 21 and 22, chapters 4, 5, 15, 16, 17, 18, 19, 20, and 23, sections 904 and 1077, chapters 57, 58 and 60, section 2157, chapters 79, 81 and 82, sections 2808, 2810, 2896 to 2903, inclusive, 2922 to 2927, inclusive, and 3040, chapter 87, section 3038, chapters 92, 93, 94, and 95, section 6211, chapter 212, section 6839, and chapters 229, 245, 259A, 259-A1, 260, 261, and 262 of the Revised Laws of Hawaii 1935, including any amendments thereto; Acts 78, 127, 207, 212, 223, and 234 of the Session Laws of Hawaii 1937, including any amendments thereto; Acts 7, 104, 187, and 248 of the Session Laws of Hawaii 1939, including any amendments thereto; Acts 80, 87, 128, 267, 280, 303, 318, and section 9 of Act 82 of the Session Laws of Hawaii 1941, including any amendments thereto; and Acts 12, and 55, sections 3 and 10 (b) of Act 84, and Acts 88 and 91, of the Special Session Laws of Hawaii 1941, including any amendments thereto; provided that, as to Act 7 of the Session Laws of Hawaii 1939, as amended, and Act 80 of the Session Laws of Hawaii 1941, the same may be suspended by the governor as to any rules or regulations prescribed by him under this Act, whether or not a defense period has been declared.

(b) Without restriction of any other powers granted to the governor by this Act, whenever the governor shall find that there has been a decrease in the revenues of any county or an increase in its necessary expenditures, due to emergency conditions, to such an extent as to impair or threaten to impair the efficient discharge of essential county functions, and shall further find that any provision (hereinafter referred to as a 'mandate') heretofore or hereafter enacted by the legislature mandating the expenditure or the holding of county funds for designated purposes (other than funds set aside for the redemption of bonds or the payment of interest thereon, loan funds, or funds mandated for pensions or contributions to the employees' retirement system), in his judgment is non-essential under the then prevailing or reasonably anticipated conditions, the governor may, by rule, set forth said findings in general terms and invoke this subsection as to all, or any designated portion, of the funds so mandated, and upon the promulgation of such rule, the amount of money so designated shall be exempted from the requirements of such mandate and shall be deemed to be reappropriated or authorized to be appropriated, and shall be available for expenditure, for any purpose for which moneys in the general fund of such county are expendable, free from, and notwithstanding, the requirements of such

mandates." [Sp. L. 1941, c. 24, s. 13; am. L. 1943, c. 5, pt. of s. 3.]

(17) By amending section 17 thereof to read as follows:

[**Sec. 45.17.**] "Section 17. **Purchases, contracts.** Without prejudice to the generality of section 13, it is specifically provided that those provisions of chapter 4 of the Revised Laws of Hawaii 1935, as amended, which require public advertisement for tenders, the receipt of bids, the awarding of contracts to the lowest bidder, and the making of purchases from established businesses in the Territory, shall not apply to expenditures of public money by such officers, territorial or county, as the governor shall designate, insofar as the governor shall determine that compliance therewith is impracticable due to existing conditions; provided, that contracts made on the basis of cost plus a contractor's profit shall be made on the cost-plus-a-fixed-fee basis, and the fee to be paid to the contractor shall be determined at or before the time such contract is made, shall be set forth in the contract, and shall not exceed six per cent (6%) of the estimated cost of the contract, exclusive of the fee; changes in the amount of the fee shall be made only upon material changes in the scope of the work concerned, as determined by the contracting officer, whose determination shall be conclusive. The governor shall have power, in cases of contracts involving the expenditure of money of the Territory or its political subdivisions, where such contracts have become impossible of performance or where it would be inequitable, owing to change of circumstances and conditions, to require performance, to cancel such contracts, to make an equitable adjustment and settlement of compensation with the contractor upon such cancellation, and to authorize such payment to the contractor as may be necessary or equitable in effecting such settlement out of funds available for such contracts or the purposes of this Act." [Sp. L. 1941, c. 24, s. 17; am. L. 1943, c. 5, pt. of s. 3.]

(18) By amending section 18 thereof in the following respects:

(a) By amending the first paragraph thereof to read as follows:

[**Sec. 45.18.**] "Section 18. **Rules and regulations.** For the purpose of carrying out any provision of this Act, the governor shall have power to prescribe rules and regulations having the force and effect of law. Rules and regulations prescribed by the governor under the powers in him vested during a defense period shall be effective during a defense period and for a reasonable time thereafter."

(b) By deleting the word "ten" from the twenty-sixth line of said section, being the fourth line from the end, and by inserting in lieu thereof the word "five".

(c) By deleting the word "and" from the twenty-seventh

line of said section, being the third line from the end, and by inserting in lieu thereof the word "or".

(19) By amending [Sec. 45.20] section 20 thereof in the following respects:

(a) By amending subsections (a), (b) and (e) thereof to read, respectively, as follows:

"(a) The sum of \$1,500,000 appropriated by this Act upon the original enactment of this section shall remain in effect as an appropriation out of the general fund of the Territory as to the unexpended balance thereof for any and all of the purposes of this Act."

"(b) The governor shall have power, if he deems the sums appropriated by this Act, or by any other Act heretofore or hereafter enacted, for the purposes of this Act, or by both, to be not available out of moneys in the general fund not otherwise appropriated, to make such sums available out of any territorial or county funds (other than pension or retirement funds, funds set aside for the redemption of bonds or the payment of interest thereon, private trust funds, loan funds, the unemployment compensation fund, the fund for the administration of the unemployment compensation law, or any funds received from the Federal Government or from any person for specific purposes), as provided in subsections (c) and (d) next following."

"(e) The total amounts made available under subsections (c) and (d), shall not exceed the amounts which, at the same time or previously, have been designated by the governor as required, and have been appropriated by the legislature, for the purposes of this Act."

(b) By adding thereto a new subsection to be numbered "(j)", to read as follows:

"(j) The powers granted by this section shall be in addition to, and not restrictive of, the powers granted by any other section."

[Sec. 45.20, also amended by Act 96, infra, page 10.]

(20) By amending section 29 thereof to read as follows:

"Section 29. **Effective and expiration dates.** This Act shall take effect upon its approval and shall cease to be in effect six months after the governor shall have proclaimed the termination of the defense period which commenced December 7, 1941, or six months after the President shall have proclaimed the termination of the present war, whichever is the earlier; provided, that any violation of this Act, committed while the Act is in force, may be prosecuted and punished thereafter whether or not this Act is in force at the time of such prosecution and punishment; provided further, that notwithstanding the fore-

going, this Act shall remain and continue in force for the enforcement of rights and liabilities which shall have accrued or attached on or before the date of expiration, hereinabove set forth, and for the expenditure of moneys to meet obligations incurred under the authority of this Act prior to said date of expiration." [Sp. L. 1941, c. 24, s. 29; am. L. 1943, c. 5, pt. of s. 3.]

[Sec. 29, also amended by Act 96, *infra*, page 12.]

Section 4. (a) All amounts of money transferred to the general fund of any county, or made available for expenditure by such county, prior to March 1, 1943, by reason of the suspension by the governor under the Hawaii Defense Act of any provisions of any appropriation Act relating to such county, and (b) each county with respect to said amounts, are hereby permanently exempted from the mandates or requirements, as to mode or purposes of expenditure or otherwise, of the law making such appropriation.

Section 5. If any section, sentence, clause or phrase of this Act, or its application to any person or circumstances, is for any reason held to be unconstitutional or invalid, the remaining portions of this Act, or the application of this Act to other persons or circumstances, shall not be affected. The legislature hereby declares that it would have passed this Act and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 6. This Act shall take effect on its approval.

(Approved March 8, 1943.) **S.B. 23, Act 5.**

[A-3] An Act to Amend the Hawaii Defense Act, as Amended, Making Additional Appropriations for the Purposes of Said Act, and Granting Additional Powers to the Governor, Including Additional Powers as to Transfer of Appropriations.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Act 24 of the Special Session Laws of Hawaii 1941, as amended, is hereby further amended in the following particulars and respects:

(a) By further amending subsection (b) of [Sec. 45.20] section 20 thereof, as amended by Act 5 of the Session Laws of Hawaii 1943, to read as follows:

"(b) If the governor deems the sums appropriated by this Act, or by any other Act heretofore or hereafter enacted, for

the purposes of this Act, or by both, to be not available out of moneys in the general fund not otherwise appropriated, or to be insufficient, he shall have power to make the sums so appropriated, or the additional sums needed for the purposes of this Act, available out of any territorial or county funds (other than pension or retirement funds, funds set aside for the redemption of bonds or the payment of interest thereon, private trust funds, loan funds, the unemployment compensation fund, the fund for the administration of the unemployment compensation law, or any funds received from the Federal government or from any person for specific purposes), as provided in subsections (c) and (d) next following."

(b) By deleting subsection (e) of [Sec. 45.20] section 20 thereof, and by inserting in lieu thereof a new subsection (e), to read as follows:

"(e) Whenever the governor shall find that the appropriation for the performance of any essential function of the territorial government is insufficient, due to emergency conditions, he may (1) make an additional allotment for such purposes out of moneys appropriated for the purposes of this Act; or (2) issue an order requisitioning, in whole or in part, any appropriation made by the Legislature (whether such appropriation is made before or after the enactment of this section) for purposes deemed by him nonessential under emergency conditions, and transferring the moneys so made available to augment the insufficient appropriation, in the manner set forth in subsection (c). The powers granted by this subsection shall be in addition to, and not restrictive of, the powers granted by any other subsection hereof, or by any other section of this Act."

(c) By amending subsection (h) of [Sec. 45.20] section 20 thereof to read as follows:

"(h) (1). Any sums realized under the provisions of this Act from the sale of property by the government, or from work done, services rendered, or accommodations or facilities furnished by the government, are hereby reappropriated for the purposes of this Act and may be expended or allotted in the same manner as other appropriations made by this Act.

(2). Any sums realized from insurance of public property, the premiums for which have been paid out of money appropriated for the purposes of this Act, shall be deposited in a special fund in the territorial treasury and expended for the repair or replacement of the insured property by the officer or officers charged by law with the duty of making such repairs and replacements, or by such other officer, person or agency

as shall be designated by the governor. The surplus thereof, if any, shall be expended in like manner for the repair or replacement of other insured public property, and any net surplus which may remain shall become a general fund realization."

[Sec. 45.20, also amended by Act 5, supra, page 9.]

(d) By amending [Sec. 45.29] section 29 thereof, as amended, by adding at the end of said section a new paragraph reading as follows:

"The special fund created by section 20, subsection (h), paragraph (2), shall be a continuing fund and all of the provisions of said paragraph (2) shall remain in effect, notwithstanding the expiration of this Act as hereinbefore provided."

[Sec. 29, also amended by Act 5, supra, page 10.]

Section 2. There is hereby appropriated, in addition to any other amounts of money appropriated or available for any of the same purposes by any other Act, the sum of \$1,500,000.00, which sum shall be expendable for any of the purposes of the Hawaii Defense Act, as the same now exists, or as it may hereafter be amended, and which appropriation shall be subject to all of the applicable provisions of said Act, as the same now exists or may hereafter be amended.

Section 3. If any portion of this Act, or the application thereof to any person or circumstance, is held unconstitutional or invalid, the remainder of this Act, or the application of such portion to any other persons or circumstances, shall not be affected.

Section 4. This Act shall take effect upon its approval.

(Approved April 30, 1943.) **H.B. 259, Act 96.**

CHAPTER 2B. ANTI-BLACK MARKET ACT.

[A-4] An Act to Aid the Federal Government in the Enforcement of Its Allocation and Rationing Program, and Prescribing Penalties.

Be It Enacted by the Legislature of the Territory of Hawaii:

[Sec. 46A.] Section 1. **Declaration of legislative intent.** It is the intent of the legislature to aid the federal government in

assuring fair dealing in the supply of any commodity rationed by it, by prohibiting black market transactions therein, while at the same time preserving all of the rationing powers conferred upon the governor by the Hawaii Defense Act, to the end that necessary rationing of supplies and materials (as those terms are defined by the Hawaii Defense Act) may be accomplished pursuant to the Hawaii Defense Act when and if not covered by the federal allocation and rationing program within the Territory.

[**Sec. 46B.**] Section 2. **Definitions.** Wherever in this Act reference is made to any order or regulation issued by the United States government or any agency thereof, only such orders and regulations as, on the effective date of this Act, are in effect within the Territory, or are in effect within the United States (whether or not then in effect within the Territory), shall be deemed to be intended.

[**Sec. 46C.**] Section 3. **Sellers.** Any person who, in the course of trade or business or for profit, sells or in any other way transfers a commodity rationed by any order or regulation which has been issued by the United States government or any agency thereof, and which is in effect within the Territory at the time of such sale or transfer, without taking in exchange for the commodity the coupons, stamps, certificates, ration checks or other ration documents, if any, required by the order or regulation at the time of such sale or transfer, shall be guilty of a misdemeanor and, on conviction, shall be punished as set forth in section 6.

[**Sec. 46D.**] Section 4. **Buyers.** Any person who buys or in any other way acquires a commodity rationed by any order or regulation which has been issued by the United States government or any agency thereof, and which is in effect within the Territory at the time of such purchase or acquisition, from any person who sells or transfers the commodity in the course of trade or business or for profit, without giving in exchange for the commodity the coupons, stamps, certificates, ration checks or other ration documents, if any, required by the order or regulation at the time of such purchase or acquisition, shall be guilty of a misdemeanor and, on conviction, shall be punished as set forth in section 6.

[**Sec. 46E.**] Section 5. **Unlawful transfers of coupons.** Any person who, after purchasing or otherwise acquiring a coupon, stamp, certificate, ration check or other ration document in any way prohibited at the time of such purchase or acquisition by a ration order or regulation issued by the United States govern-

ment or any agency thereof and in effect within the Territory at that time, gives or attempts to give the document so acquired in exchange for the rationed commodity shall be guilty of a misdemeanor and, on conviction, shall be punished as set forth in section 6.

[Sec. 46F.] Section 6. **Penalties.** Any person convicted of a violation of this Act, as provided in sections 3, 4, or 5, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding thirty days, or by both such fine and imprisonment, for each offense.

[Sec. 46G.] Section 7. **Short title.** This Act may be cited as "The Anti-Black Market Act".

Section 8. This Act shall take effect upon its approval.

(Approved May 12, 1943.) **S.B. 226, Act 174.**

CHAPTER 2C. WAR EMERGENCY AGENCY ACT.

[A-5] An Act Relating to the Authority of an Agent When the Principal Is in War Service.

Be It Enacted by the Legislature of the Territory of Hawaii:

[Sec. 47A.] Section 1. **Agents of persons in war service.** If any person residing or owning property in the Territory of Hawaii shall be engaged in war service and either prior to or subsequent to the effective date of this Act shall have given authority to an agent residing or doing business in the Territory of Hawaii, either by power of attorney or otherwise to act for him, such authority shall not be revoked by the death of such principal subsequent to the effective date of this Act until the agent shall know or shall have reasonable cause to know of said death, and the acts of such principal subsequent to said death performed in good faith under the authority theretofore given to him without having knowledge of said death or reasonable cause to believe said death had occurred shall be valid as to all persons as if said death had not occurred.

[Sec. 47B.] Section 2. **Application of Act.** For the purpose of this Act, a person shall be deemed to be engaged in war service in any of the following cases:

- (a) If he is a member of the armed forces of the United States or of any of its allies;
- (b) If he is in service on any ship of United States registry;

(c) If he is engaged outside of the Territory of Hawaii and of the continental limits of the United States or in connection with the American Red Cross Society or any other body with similar objectives; and

(d) If he is interned or otherwise held in custody by any nation with which the United States is at war.

[Sec. 47C.] Section 3. **Short title.** This Act may be cited as War Emergency Agency Act.

[Sec. 47D.] Section 4. **Time of taking effect and controlling effect.** This Act shall take effect upon its approval and its provisions shall be controlling notwithstanding any rule of law or equity or any provision of any other statute of this Territory.

(Approved May 12, 1943.) S.B. 220, Act 185.

CHAPTER 3. EMINENT DOMAIN.

IRRIGATION CORPORATIONS.

[A-6] An Act to Amend Sections 72 and 74 of the Revised Laws of Hawaii 1935, Relating to Irrigation Corporations.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 72** of the Revised Laws of Hawaii 1935, is hereby amended by substituting a comma for the semicolon at the end of the fourth line and adding after the word "irrigation" the words "fluming, mill use, generation of electricity and domestic purposes;".

Section 2. Paragraph 2 of **section 74** of said Revised Laws of Hawaii is hereby amended to read:

"2. If such corporation shall use or divert or sell any of the water which shall be conducted through such right-of-way for any purposes other than irrigation, fluming, mill use, generation of electricity and domestic purposes, as well as for the watering of livestock and industrial use if such industrial use does not exceed five per centum of the water conducted through such right-of-way."

Section 3. This Act shall take effect upon its approval.

(Approved May 12, 1943.) S.B. 268, Act 186.

CHAPTER 4. EXPENDITURE OF PUBLIC MONEY.

HOURS, WAGES; PAY DAYS.

[A-7] An Act to Repeal Section 94 of the Revised Laws of Hawaii 1935, Relating to Reports on Inmates of Public Institutions.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 94** of the Revised Laws of Hawaii 1935 is hereby repealed.

Section 2. Nothing in this Act contained shall be deemed to amend by implication any other law relating to reports of the nature of those covered by said section 94.

Section 3. This Act shall take effect upon its approval.

(Approved April 8, 1943.) **S.B. 141, Act 29.**

PAY OF OFFICIALS ON ACTIVE MILITARY SERVICE.

[A-8] An Act Relating to Officers and Employees of the Territory of Hawaii and the Several Counties Thereof Serving in the United States Merchant Marine.

Be It Enacted by the Legislature of the Territory of Hawaii:

[Sec. 98C.] Section 1. [**Officers and employees with merchant marine.**] Every officer or employee of the Territory or of any of the counties who during the period of the war shall have secured a release from his office or employment in order to enter the United States Merchant Marine and shall have entered said merchant marine, and who, being still qualified to perform the duties of the office or employment from which he was so released, makes application for re-employment within forty days after his service in the merchant marine terminates, and within six months from the cessation of hostilities, shall be restored to such office or position, or to an office or position of like seniority, status, and prevailing pay. Such officer or employee shall be considered as having been on furlough or leave of absence during his period of service in the merchant marine.

[Sec. 98D.] Section 2. [**Effect of civil service law.**] Any provision of the law to the contrary notwithstanding, any person or persons who shall have filled or who may fill any position left

PAY OF OFFICIALS ON ACTIVE SERVICE.

VACATIONS, LEAVES OF ABSENCE.

SERIES A-8.—ACT 22]

SERIES A-9.—ACT 142]

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vacant by such officer or employee shall be dismissed from such position upon the restoration of such officer or employee to such position under section 1 hereof or any federal statute, and in no case shall Act 187 of the Session Laws of Hawaii 1939 or any rules or regulations prescribed thereunder be applicable to such dismissal, provided however, if such person shall have been employed in a position subject to the provisions of said Act 187 then such person shall have his name placed on an appropriate re-employment list.

The civil service commission shall in writing inform every person who is now filling or may hereafter fill any such position of the status of his employment and of the provisions of this Act.

Section 3. This Act shall take effect upon its approval.

(Approved March 30, 1943.) **S.B. 13, Act 22.**

VACATIONS, LEAVE OF ABSENCE.

[A-9] An Act Relating to Vacations of Public Employees, Amending Sections 103 and 105 of the Revised Laws of Hawaii 1935, as Amended, Providing for Pay in Lieu of Certain Vacations, and making an Appropriation Therefor.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 103 of the Revised Laws of Hawaii 1935, as amended in toto by Act 329 (Series A-9) Session Laws of Hawaii 1941, is hereby further amended by amending the first three paragraphs thereof to read as follows:

“Sec. 103. Vacations of public officers and employees. With the exception of school teachers and school principals employed in the public schools of the Territory, the instructional staff of the University of Hawaii and members of the city and county fire department, all officers and employees in the service of the Territory or of the several counties and city and county shall be entitled to and granted a vacation with pay each calendar year calculated at the rate of one and three-quarters working days for each month of service. Vacation allowance shall be recorded and administered on a calendar year basis, the allowance accruing during each calendar year being credited to employees as of December 31st of each year. A month of service shall be deemed to mean a calendar month in which the employee performs not

less than twenty-one days of actual service. In the event the employee performs more than five but less than twenty-one days of actual service in any calendar month, the days of service shall be included in the computation of the employee's total vacation credit for the year on such basis as shall be provided for under the rules hereinafter referred to. An annual vacation, or any part thereof unused, shall be automatically accumulated for succeeding years, except that the total recorded accumulation shall in no event exceed fifty-four working days. Whenever such accumulated vacation allowance, as recorded, shall exceed fifty-four working days, the employee shall automatically forfeit such excess. The vacation shall be granted at such time as the head of the department may designate. Except in the case of members of the city and county fire department, officers or employees working without a regular weekly holiday shall be entitled to and granted four days leave with pay for every twenty-eight days of service, which leave shall not be accumulated or considered as vacation.

"Members of the city and county fire department who shall have complied with the provisions of section 89 shall be entitled to and granted a vacation with pay each calendar year of two and one-half calendar days for each month of service; provided that such annual vacation, or any part thereof unused, may be accumulated for succeeding years, except that the total accumulation shall in no event exceed ninety calendar days. Vacation allowance for members of the city and county fire department shall be recorded and administered and forfeited on the same basis as the allowance for other employees, except that ninety calendar days may be accumulated and recorded without forfeiture. The vacation shall be granted at such time as the head of the department may designate.

"When an officer or employee of the Territory or the county or city and county, as the case may be, is transferred from one department to another within the same government, he shall be given credit for the vacation earned or accumulated in the department from which he is transferred and such department's appropriation shall be charged for such vacation by transfer of funds or otherwise; provided, however, that compensation for any period of vacation allowance shall be paid at the rate to which the employee is entitled at the time such allowance is granted and the appropriation of the department in which the employee is then employed, together with any other funds previously transferred or encumbered, shall be used to make such payment."

[**Sec. 103-A**, added by Act 21, *infra*, page 22.]

Section 2. Section 105 of the Revised Laws of Hawaii 1935, as amended in toto by Act 329 (Series A-9), Session Laws of Hawaii 1941, is hereby further amended to read as follows:

"Sec. 105. An employee whose employment is voluntarily terminated without prejudice during any calendar year shall be entitled to all of his accumulated vacation allowance plus his current accrued vacation allowance to and including the date of termination, notwithstanding that such current accrued vacation allowance may not have been recorded at such time. An employee whose employment is involuntarily terminated otherwise than for cause due to his own misconduct shall be entitled to all of his accumulated vacation allowance and current accrued vacation allowance, and the date of such termination shall be fixed so as to permit him to take such leave. The date of discharge of an employee whose employment is terminated for cause due to his own misconduct may, within the discretion of the department head concerned, be fixed so as to permit the allowance of all or any part of any accumulated vacation allowance and current earned vacation allowance. In the event that any employee shall have died with accumulated or current accrued vacation earned but not taken, an amount equal to the value of his pay over the period of such earned vacation shall be paid to such person or persons as he shall have designated as his beneficiary or beneficiaries under the employees' retirement system, or, failing such designation, to his surviving widow, or, failing such surviving widow, to his heirs at law." [L. 1941, c. 329, s. 5; am. L. 1943, c. 142, s. 2.]

Section 3. (a) During the emergency period defined by this Act, whenever the head of a department pursuant to this Act shall certify in writing that it was or is impracticable for any specified public employee (which term shall include non-elective officers and employees in the service of the Territory or any county, or of any board, bureau, commission or other agency of the Territory or any county) to be awarded his accumulated vacation due to emergency conditions and that such accumulated vacation or a portion thereof, has, on or since December 7, 1941, lapsed and been lost by expiration of time due to his failure to take or be allowed such accumulated vacation, such employee shall be paid, in addition to his regular compensation, an amount equal to the amount he would have been paid as a wage or salary during that portion of the accumulated vacation, had he taken the same, which has lapsed or

which may hereafter lapse under the terms hereof, such amount to be in lieu of such vacation period which has lapsed or may hereafter lapse.

(b) If any such public employee shall on or after December 7, 1941, and prior to the effective date hereof, terminate his employment in good standing, or shall have died, without having taken his vacation, he, or in the event of his death, such person or persons as he shall have designated as his beneficiary or beneficiaries under the employees' retirement system, or, failing such designation, his surviving widow, or, failing such surviving widow, his heirs at law shall be paid the amount of his accrued vacation pay for the vacation period earned and not taken by him, notwithstanding such termination of service or death.

(c) In the case of public employees who were employed in the territorial employment service of the department of labor and industrial relations and who were transferred to the United States employment service;

(1) if any such employees are determined to be ineligible, under the Federal laws, for allowance by said United States employment service of credit for vacation earned during their employment by the territorial employment service, or

(2) if any such employees have terminated or shall terminate their service with the United States employment service after such transfer and have been or shall be denied vacation earned by them as employees of the territorial employment service, such employees shall be paid vacation pay out of territorial funds for the vacation earned in the employ of the territorial employment service computed as provided in subsection (b) of this section, and such amounts as may be necessary for said purposes are hereby appropriated out of the general fund of the Territory; provided, that in the event Federal funds are available for any of such payments, they shall be paid out of such Federal funds, and if such Federal funds are received after such payment out of territorial funds, the general fund of the Territory shall be reimbursed out of said Federal funds for such payments to such extent as may be permissible under Federal laws and regulations.

(d) In the case of any public employee who earns or has earned vacation credit in more than one department by reason of his transfer or other removal from one department to another, or others, and who is entitled to payment under this section, vacation pay for all of said periods of employment shall be paid to him in lieu of vacation, notwithstanding such transfers or other removal.

Section 4. The emergency period referred to in this Act

shall be the duration of the present war between the United States of America and the axis powers and six months after the termination of said war as determined by treaty of peace, act or joint resolution of Congress, or otherwise.

Section 5. Any amounts necessary to effect the payments required by section 3 hereof to public employees of the Territory may be paid out of any appropriations then in force for personal services for the agency (which term shall include any department, board, commission, bureau, establishment or agency) in the employ of which such vacation was earned, and, if such appropriations shall not be sufficient to cover both the general requirements for personal services of such agency and the payments required by this Act, the amounts necessary to cover any deficiencies for payment of such vacation pay in such appropriations shall be certified in writing from time to time by the auditor and director of the bureau of the budget, and the amounts of such deficiencies so certified shall be deemed to be and hereby are appropriated for said purposes out of the general fund of the Territory. The board of water supply, city and county of Honolulu, in regard to its present or former employees, and each county board of supervisors in regard to the present or former officers and employees of their respective counties, are authorized and directed to appropriate and make available to the proper department sufficient funds to meet the payments of vacation pay required by this Act.

Section 6. All laws or parts of laws inconsistent with the provisions of sections 3 to 5, inclusive, hereof shall, to the extent of such inconsistency only, be suspended during said emergency period, but nothing in this Act contained shall be deemed to modify or in any way limit the powers of the governor under the Hawaii Defense Act as the same now exists or may hereafter be amended from time to time.

Section 7. This Act shall take effect upon its approval.

(Approved May 10, 1943.) S.B. 27, Act 142.

[A-10] An Act to Amend Chapter 4 of the Revised Laws of Hawaii 1935, Relating to the Expenditure of Public Money, by Adding Thereto a New Section Providing for Vacations to Employees of the Kalaupapa Leper Settlement.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 4 of the Revised Laws of Hawaii 1935,

is hereby amended by adding thereto a new section, to be numbered section 103-A, and reading as follows:

“Sec. 103-A. Vacations of employees at Kalaupapa. Each person employed by the board of hospitals and settlement at the Kalaupapa Settlement, including kokuas, parolees and active patients, and who does not come within the provisions of section 103, shall be entitled to and granted an annual vacation with pay calculated at the rate of one and one-half days for every thirty days during which he worked a minimum of six hours, such vacation to be taken as a whole or intermittently with the approval of the board or its delegated agent, but no vacation allowance shall be accumulated beyond the calendar year.”

Section 2. This Act shall take effect upon its approval.

(Approved March 30, 1943.) **H.B. 130, Act 21.**

CHAPTER 5. GENERAL DEPARTMENTAL REGULATIONS.

BONDS OF PUBLIC OFFICERS.

[A-11] An Act to Amend Section 138 of the Revised Laws of Hawaii 1935, Relating to Bonds and to Amend Section 4854 of Said Revised Laws, as Amended, by Inserting a Reference Therein to Said Section 138.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 138** of the Revised Laws of Hawaii 1935, is hereby amended by adding at the end thereof a new paragraph reading as follows:

“The clerk of the circuit court of the 1st judicial circuit shall furnish and maintain a bond, conditioned upon the faithful performance of his duties, in a principal sum of not less than fifty thousand dollars, and the clerks of the other circuit courts shall furnish and maintain bonds, similarly conditioned, in a principal sum of not less than ten thousand dollars each, provided, that the judges of the circuit courts may in their discretion require bonds in additional amounts from their respective clerks if deemed necessary.”

Section 2. **Section 4854** of the Revised Laws of Hawaii 1935, as amended by Act 119 (Series C-121) of the Session Laws of Hawaii 1939, is hereby further amended by substi-

BONDS OF OFFICERS.
RULES AND REGULATIONS.
HAWAII LOYALTY LAW.

SERIES A-11.—ACT 193]

SERIES A-12.—ACT 67]

SERIES A-13.—ACT 132]

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tuting for the words "additional bond" in the eighth line thereof the words "bond in addition to that required under section 138".

Section 3. This Act shall take effect upon its approval.

(Approved May 13, 1943.) **H.B. 342, Act 193.**

RULES AND REGULATIONS.

[A-12] An Act Amending Act 80 (Series A-12) of the Session Laws of Hawaii 1941, Relating to Rules and Regulations Having the Force and Effect of Law.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 2 [Sec. 154-B] of Act 80 of the Session Laws of Hawaii 1941 is hereby amended by deleting the last two sentences thereof and by inserting in lieu thereof the following: "All such rules and regulations prescribed on or before May 31, 1943, and still in force and effect on said date, shall be recorded on or before June 10, 1943. All such rules and regulations prescribed on or after June 1, 1943, shall be recorded within ten days after their promulgation."

Section 2. Section 9 [Sec. 154-I] of said Act 80 of the Session Laws of Hawaii 1941 is hereby amended by adding at the end thereof a new sentence to read as follows:

"Such rules and regulations of the governor need not be published, and no public hearing thereon is required."

Section 3. Section 11 [Sec. 154-K] of said Act 80 of the Session Laws of Hawaii 1941 is hereby amended by deleting the words "which have been heretofore made" from the third line thereof (as said section 11 is printed on page 16 of the Session Laws of Hawaii 1941), and by inserting in lieu thereof the following:

"which have been made prior to April 1, 1943".

Section 3. This Act shall take effect upon its approval.

(Approved April 27, 1943.) **S.B. 201, Act 67.**

CHAPTER 5B. HAWAII LOYALTY LAW.

[A-13] An Act Amending the Hawaii Loyalty Law, Being Act 128 of the Session Laws of Hawaii 1941, as amended.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. The Hawaii Loyalty Law, being Act 128 of the

Session Laws of Hawaii 1941, as amended, is hereby further amended in the following particulars:

(1) By substituting for the word "fifteen", in the sixth line of [Sec. 156-C] section 3 thereof, the word "sixty".

(2) By amending the paragraph numbered 5 of [Sec. 156-M] section 13 thereof to read as follows:

"5. Casual and temporary employees, whether on a monthly salary or a per diem basis, and inspectors and clerks of elections."

(3) By amending [Sec. 156-P1] section 16A thereof to read as follows:

[Sec. 156-P1.] "Section 16A. Duplicate taking of oath, not required when. No officer or employee continued in employment or appointed to or employed in another office or position or reappointed to succeed himself in any office or position, unless required by the appointing authority or the head of the department in which such person is to serve, shall be required to renew said oath or affirmation if he took said oath or made such affirmation on original appointment or employment." [Sp. L. 1941, c. 60, s. 9; am. L. 1943, c. 132, pt. of s. 2.]

Section 2. This Act shall take effect upon its approval.

(Approved May 6, 1943.) H.B. 45, Act 132.

Title II. AGRICULTURE AND FORESTRY.

CHAPTER 7. AGRICULTURE AND FORESTRY, BOARD OF.

[A-14] An Act Amending Section 170 of the Revised Laws of Hawaii 1935, Relating to Commissioners of Agriculture and Forestry.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 170 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

"Sec. 170. Commissioners, appointment, tenure. There shall be a board of commissioners of agriculture and forestry of seven members who shall be appointed by the governor in

the manner prescribed by section 80 of the Organic Act, one being designated as president of the board who shall be the executive officer of the board. One of the commissioners shall be a resident of the county of Hawaii, one shall be a resident of the county of Maui, and one shall be a resident of the county of Kauai. Three of the commissioners shall be appointed for a term to expire March 31, 1945, and four for terms expiring March 31, 1947. Thereafter, every appointment shall be for a term of four years commencing from the date of expiration of the preceding term. Any vacancy occurring before the expiration of a term shall be filled for the remainder of the unexpired term. The board shall hold at least two meetings each year in each of the counties of Hawaii, Maui and Kauai." [L. 1903, c. 44, pt. of s. 2; am. L. 1907, c. 106, s. 1; R.L. 1935, s. 170; am. L. 1943, c. 178, s. 1.]

Section 2. As soon as practicable, after the effective date of this Act, the governor shall make new appointments of commissioners of agriculture and forestry in conformity with the provisions of section 1 of this Act relating to the initial appointment of such commissioners.

Section 3. This Act shall take effect upon its approval.

(Approved May 12, 1943.) **S.B. 93, Act 178.**

CHAPTER 8. ANIMALS, BRANDS AND POUNDS.

POUNDS.

[Secs. 267 to 275, repealed by Act 120, infra, page 111.]

CHAPTER 11. FISH AND FISHING, GENERAL.

FISHING IN HONOLULU HARBOR AND WAIKIKI CANALS.

[A-15] An Act to Amend Section 384 of the Revised Laws of Hawaii 1935, Relating to Fishing in Waikiki and other Canals.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 384 of the Revised Laws of Hawaii 1935, as amended by Act 86 (Series A-7) of the Special Ses-

sion Laws of Hawaii 1941, is hereby further amended to read as follows:

"Sec. 384. Fishing in Waikiki and other canals; penalty. It shall be unlawful for any person, except an owner or operator of a fish pond to whom the president of the board of commissioners of agriculture and forestry may have issued a permit, under such rules and regulations as said board may prescribe, to use nets for the catching of pua or other small fish for the purpose of stocking such fish pond, to fish in the waters of the Waikiki reclamation canal, the drainage canal constructed in connection with Kapiolani boulevard or the Kapalama drainage canal with any device whatsoever except one line, or one rod and line, which line shall in no case have more than two hooks.

"Any person who shall violate the provisions of this section shall, upon conviction, be fined not more than one hundred dollars or be imprisoned for not more than six months." [L. 1923, c. 41, ss. 1 and 2; R.L. 1935, s. 384; am. L. 1935, c. 39, s. 1; am. Sp. L. 1941, c. 86, s. 1; am. L. 1943, c. 26, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved April 2, 1943.) **H.B. 110, Act 26.**

[A-16] An Act Relating to Fishing by Line in Waikiki Canals and Amending Chapter 11 of the Revised Laws of Hawaii 1935, as Amended, by Adding a New Section Thereto.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 11 of the Revised Laws of Hawaii 1935 is hereby further amended by adding a new section thereto to be numbered and to read as follows:

"Sec. 384-A. [Fishing, Waikiki reclamation canals.] It shall be lawful at any time to fish for or take any fish with one line and not more than two hooks, or one rod and line with not more than two hooks, from the Waikiki reclamation canals."

Section 2. The board of commissioners of agriculture and forestry may in its discretion issue permits to commercial fishermen to take nehu by means of nets for bait purposes only in the Waikiki reclamation canals, which permits shall be effective only during the defense period proclaimed by the governor under the provisions of the Hawaii Defense Act.

Section 3. This Act shall take effect upon its approval.

(Approved May 14, 1943.) **H.B. 54, Act 195.**

FISH AND FISHING.
AUDIT OF PUBLIC ACCOUNTS.

SERIES A-17.—Act 54]
SERIES A-18.—Act 106]

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NEHU.

[A-17] An Act to Amend Section 390 of the Revised Laws of Hawaii 1935, Providing Certain Restrictions on the Taking of Nehu, by Lifting Certain Restrictions Thereon During the Emergency Period.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 390 of the Revised Laws of Hawaii 1935, is hereby amended by amending the first paragraph thereof to read as follows:

“**Sec. 390. Nehu; penalty.** All nehu caught and taken in or from any of the waters within the jurisdiction of the Territory shall be used only for bait purposes; provided, however, that citizens may lawfully catch nehu for family consumption with a net not longer than forty feet; and provided, further, that during the period ending ninety days after the cessation of present hostilities, as evidenced by the signing of an armistice or similar official document; citizens may lawfully catch nehu with a net not longer than one hundred feet, for family consumption.”

Section 2. This Act shall take effect upon its approval.

(Approved April 22, 1943.) **H.B. 192, Act 54.**

**Title IV. AUDIT OF PUBLIC
 ACCOUNTS.**

**CHAPTER 15. AUDIT DEPARTMENT;
 DUTIES.**

PUBLIC ACCOUNTANTS.

[A-18] An Act Amending Section 563-B of the Revised Laws of Hawaii 1935, Enacted by Act 137 of the Session Laws of Hawaii 1941, Relating to Petty Cash Funds.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 563-B** of the Revised Laws of Hawaii 1935, as enacted by Act 137 (Series A-22) of the Session Laws of Hawaii 1941, is hereby amended by deleting from the last

line of the first paragraph thereof the words "two hundred dollars.", and by inserting in lieu thereof the following:
"five thousand dollars (\$5,000.00)."

Section 2. This Act shall take effect upon its approval.

(Approved May 3, 1943.) S.B. 208, Act 106.

CHAPTER 16. DISPOSAL OF TERRITORIAL PERSONAL PROPERTY.

[A-19] An Act to Amend Chapter 16 of the Revised Laws of Hawaii 1935, Relating to the Disposition of Personal Property by Territorial Agencies, and of the Proceeds Thereof.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 16 of the Revised Laws of Hawaii 1935 is hereby amended:

1. By adding thereto a new section to be numbered section 611-A and to read as follows:

"Sec. 611-A. Sale of produce, etc.; disposition of proceeds; exceptions. The sale by any governmental office, department, board, establishment, institution or agency (all being hereinafter included in the term 'agency') of domestic animals such as hogs, poultry, etc., or of the produce of animal husbandry, or of fruits, vegetables and other agricultural produce, or of manufactured articles, or the like (all being hereinafter referred to as 'products') where the raising, production or manufacture of the same is a part of the usual or authorized activities of such agency, shall not be subject to the provisions of section 611, but in all cases where provision therefor is not otherwise made by law, such sales may be made by the agency concerned in such manner as shall be determined by the head of such agency, subject, however, to any regulations with respect thereto which may be promulgated by the governor. The proceeds of such sales, where not otherwise provided by law, shall be paid into the general fund of the Territory as territorial realizations. In case any of such products are sold from one agency to any other agency, the reasonable sale price thereof may, with the approval of or pursuant to regulations promulgated by the governor, be paid to the selling agency by the purchasing agency and credited to the current expense appro-

priation of the furnishing agency, subject to re-expenditure during the biennium or other period in which such current expense appropriation is available and any unexpended balance thereof shall lapse at the end of such period. The foregoing provisions of this section shall not apply to public school activities, such as sales of food in public school cafeterias, the proceeds of which have not heretofore been considered as public funds payable into the treasury of the Territory, nor shall the same apply to activities of the University of Hawaii, all of which activities may be carried on in the same manner as prior to the enactment of this section. Nothing in this section contained shall be deemed to prohibit a transfer from one agency to another agency of any such products without charge therefor, if so ordered by the selling agency."

2. By amending section 613 thereof to read as follows:

"Sec. 613. Proceeds. Except as otherwise provided in section 611-A, or by any other law, all moneys received from the sale of any personal property by any office, department, board, establishment, institution or other agency (all being herein-after included in the term 'agency') shall be credited to the then subsisting appropriation, for current expenses or for current expenses and equipment, for the agency, or the unit of such agency, concerned, as an addition to such appropriation, subject to re-allotment and expenditure for current expenses or equipment or both, pursuant to section 641 during the biennium or other period for which such subsisting appropriation is available for expenditure, and subject to lapsing of any unexpended balance thereof into the general fund at the end of such period; provided, that where any such personal property has been purchased with moneys in a special fund, or in a special appropriation which does not lapse at the end of the current biennium, the proceeds of such sale shall be paid into or credited to such special fund or special appropriation as an additional appropriation for the same purposes. In any case of doubt as to the application of any such proceeds, the auditor shall determine the fund or appropriation to which such proceeds shall be credited pursuant to this section, and his decision shall be final." [L. 1917, c. 154, s. 4; R.L. 1935, s. 613; am. L. 1943, c. 216, pt. of s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 17, 1943.) **S.B. 245, Act 216.**

CHAPTER 18. BUDGET BUREAU.

[A-20] An Act to Amend Sections 634 and 636 of the Revised Laws of Hawaii 1935, Relating to Departmental Estimates for, and Contents of, the Territorial Budget.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 634 of the Revised Laws of Hawaii 1935, as amended by Act 134 (Series A-12) of the Session Laws of Hawaii 1939, is hereby further amended to read as follows:

"Sec. 634. Departmental estimates. At such time as the director may prescribe, but not later than October 15, preceding each biennial session of the legislature, each board or officer at the head of any department or quasi-public institution which is supported in whole or in part by territorial funds, shall submit to the director on forms and in the manner prescribed by him, a detailed estimate of the amount of money required to be appropriated for the next ensuing biennium for the proper conduct of the department, or institution, under his control, and the number of employees for which provision is made. The classification of these estimates shall be as prescribed by law and shall be so presented as to show in addition to the amount which is estimated to be required:

(a) The actual expenditures for the last completed biennium; and

(b) The estimated expenditures for the biennium in progress, together with such summaries, schedules and supporting data as may be prescribed by the director.

Any department head whose estimate provides for increases over the appropriation of the previous biennium for his department shall indicate the order of the immediate importance of such increases. After consultation with the head of a department the director may refer the estimate of such department head back to him with instructions to prepare a revised estimate on the basis of a minimum sum for the department. Said head of a department shall present such revised estimate to the director on or before such date as the latter may prescribe. In the event of failure to receive estimates from any department head by the prescribed dates, the director shall prepare such estimates and data as are necessary to enable the Governor to include estimates and statements in respect to the work of such departments in the budget.

On or before October 15 preceding each biennial session of the legislature, there shall be submitted to the director by the territorial treasurer a detailed statement of the amount of money which he estimates will be required for the interest and

sinking funds on the outstanding bonded indebtedness of the Territory for the next ensuing biennium. Also, on or before such time, the territorial auditor shall submit to the director an estimate of the receipts for such next ensuing biennium to be derived from all sources other than taxes, indicating on separate forms the fund account to which they apply; and likewise, the territorial tax commissioner shall submit an estimate of all tax collections for the same period under existing laws." [L. 1925, c. 56, s. 11; R.L. 1935, s. 634; am. L. 1939, c. 134, pt. of s. 1; am. L. 1943, c. 124, s. 1.]

Section 2. Section 636 of said Revised Laws, as amended, is hereby further amended to read as follows:

"Sec. 636. Governor to transmit budget to legislature; contents. The Governor shall transmit to the legislature on the first day of each regular session, and to each of the members thereof, not less than twenty days before the legislature convenes, the budget which shall contain:

(a) A statement showing the estimated condition of the treasury at the close of the biennium in progress;

(b) A statement of the estimated condition of the treasury at the close of the ensuing biennium if the financial proposals contained in the budget are adopted;

(c) A statement showing the bonded indebtedness of the Territory as of December 31, next preceding the ensuing regular session, and as of the same date next preceding each of the last four regular sessions, of the legislature, and all essential facts in relation thereto;

(d) Such other financial statements and data as in his opinion are necessary or desirable in order to make known in all practical detail the financial condition of the government;

(e) A summary of general fund receipts arranged alphabetically by departments showing actual receipts for the last three completed biennial periods, the estimated receipts for the biennium in progress and the estimated receipts for the ensuing biennium;

(f) Detail of general fund receipts by departments showing actual receipts for the last three completed biennial periods, the estimated receipts for the biennium in progress and the estimated receipts during the ensuing biennium and for the tax commissioner's department, showing the percentage of all estimated tax receipts which the estimated receipts from each tax constitute;

(g) A summary of general fund appropriations for the ensuing biennium arranged alphabetically by departments and showing the number of employees and classification of appropriations;

(h) A summary of general fund expenditures and appropriations arranged alphabetically by departments and showing:

- (1) Actual expenditures for the last completed biennium;
- (2) Estimated expenditures for the biennium in progress;
- (3) Appropriations for the biennium in progress;
- (4) Departmental requests for the ensuing biennium;
- (5) The Governor's revision thereof;
- (6) The increases or decreases of the Governor's estimates for the ensuing biennium over or under the appropriations for the biennium in progress.

(i) Details of general fund expenditures and appropriations arranged alphabetically by departments and showing the number of employees and proposed amounts of appropriations for items of salaries, other expenses, equipment, capital outlay and special purposes, and showing:

- (1) Actual expenditures for the last completed biennium;
- (2) Estimated expenditures for the biennium in progress;
- (3) Appropriations for the biennium in progress;
- (4) Departmental requests for the ensuing biennium;
- (5) The Governor's revision thereof;
- (6) Increases or decreases of Governor's revision over or under the appropriations for the biennium in progress;

(j) A functional statement of proposed appropriations and expenditures;

(k) A balanced summary by departments of estimated receipts and expenditures under all special expendable funds for the biennium in progress and for the ensuing biennium;

(l) A balanced statement by departments showing total actual receipts and total actual expenditures under each special expendable fund during each of the last three completed biennial periods; the estimated receipts and expenditures for the biennium in progress and the estimated receipts and expenditures during the ensuing biennium; and

(m) A detail statement of actual expenditures under each special expendable fund for the last completed biennium, and of the estimated expenditures for the biennium in progress and the ensuing biennium respectively showing the number of employees and the classification of expenditures for items of salaries, expenses, equipment, capital outlay and special purposes.

Said budget shall contain an item to be known as the 'Contingent Fund', which sum shall be available for allocation by the Governor during the ensuing biennium to meet contingencies as they arise.

The budget shall be printed, with a reasonable number of copies for public distribution. Said budget shall cover all

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funds and moneys coming under the control or administration of the Governor or deposited in the territorial treasury and expended on territorial warrants; provided, however, that a detailed budget of each department specifically given control over receipts not deposited in the territorial treasury shall be printed with and appended to the said budget. All items of receipts, and of proposed and past expenditures, in said budget shall be shown to the nearest dollar, omitting cents." [L. 1925, c. 56, s. 2; R.L. 1935, s. 636; am. L. 1937, c. 115, s. 1; am. L. 1939, c. 134, pt. of s. 1; am. L. 1941, c. 57, s. 1; am. L. 1943, c. 124, s. 2.]

Section 3. This Act shall take effect upon its approval.

(Approved May 4, 1943.) H.B. 191, Act 124.

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CHAPTER 19. ADMINISTRATION AND DEPARTMENT OF PUBLIC INSTRUCTION.

PUPIL GUIDANCE DIVISION.

[A-21] An Act to Create a Pupil Guidance Division in the Department of Public Instruction.

Be It Enacted by the Legislature of the Territory of Hawaii:

[Sec. 728A.] Section 1. [Division of pupil guidance.] The department of public instruction is authorized and directed to set up a division of pupil guidance therein and to engage a division head and staff to conduct the work at such salaries as may be established by the commissioners of public instruction with the approval of the Governor and within the limits of the budget of said department as provided by the general appropriation Act.

Section 2. This Act shall take effect upon its approval.

(Approved April 28, 1943.) H.B. 344, Act 77.

PUPILS; ATTENDANCE; PUNISHMENT.

[A-22] An Act to Amend Chapter 19 of the Revised Laws of Hawaii 1935, by Amending Section 746 Thereof and by Adding Thereto a New Section Numbered 746-A, Authorizing the Department of Public Instruction to Provide a Program of Instruction for Preschool Children, and Making an Appropriation Therefor for the Biennium Commencing July 1, 1943.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 19 of the Revised Laws of Hawaii 1935 is hereby amended:

1. By amending **section 746** of said Revised Laws by substituting for the words "No child", in the first line of said section, the words "Except as authorized by section 746-A, no child".

2. By adding to said chapter a new section numbered 746-A reading as follows:

"**Sec. 746-A. Preschool children.** The department is authorized to expend funds appropriated for the public schools to promote a program of instruction for preschool children who have attained the age of five years on or before January first of each year and to continue such programs of instruction until such children have reached the age that permits them to be registered in the regular receiving grades of the public schools. The expenditure of funds for the purposes of said program shall be distributed throughout the Territory on a basis to be determined by the commissioners of public instruction."

Section 2. There is hereby appropriated for the purposes of the preschool program authorized by this Act, for the biennium commencing July 1, 1943, the sum of \$113,400.00.

Section 3. This Act shall take effect upon its approval.

(Approved May 17, 1943.) **H.B. 16, Act 220.**

[A-23] An Act to Amend Section 749 of the Revised Laws of Hawaii 1935, as Amended, Relating to the Duties of Public Officers in Relation to Compulsory Attendance of School.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 749 of the Revised Laws of Hawaii 1935, as amended, is hereby amended to read as follows:

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"Sec. 749. Enforcement. The department of public instruction shall be charged with the enforcement throughout the Territory of sections 745 and 747, and shall designate employees of the department to carry out this responsibility. The foregoing delegation of responsibility shall not relieve any chief of police, sheriff, deputy sheriff, police officer or any truant officer otherwise provided by law of the responsibilities of also enforcing the provisions of said sections." [L. 1907, c. 120, s. 1; am. L. 1915, c. 92, s. 2; am. L. 1917, c. 40, s. 1; R.L. 1935, s. 749; am. L. 1939, c. 104, s. 7; am. L. 1943, c. 112, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 3, 1943.) **H.B. 346, Act 112.**

**CHAPTER 20. MAINTENANCE OF
PUBLIC SCHOOLS.**

SINGLE SALARY SCHEDULE.

[A-24] An Act to Amend Chapter 20 of the Revised Laws of Hawaii 1935, as Amended, by Amending Section 770F Thereof, as Enacted in Act 83 of the Special Session Laws of Hawaii 1941, Establishing a Single Salary Schedule for the Public School System.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 20 of the Revised Laws of Hawaii 1935, as amended, is hereby further amended by amending **section 770F** thereof, as enacted in Act 83 of the Special Session Laws of Hawaii 1941, by deleting from the tenth line of said section the word and figure "July 1", and inserting in place thereof the word and figure "August 30".

Section 2. This Act shall take effect upon its approval.

(Approved March 24, 1943.) **S.B. 35, Act 17.**

SINGLE SALARY SCHEDULE.

[A-25] An Act to Amend Section 3 of Act 83 (Series A-8) of the Special Session Laws of Hawaii 1941, Relating to the Emergency Teachers' Bonus and Providing for a Retroactive Adjustment Thereof in Certain Cases.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 3 of Act 83 (Series A-8) of the Special Session Laws of Hawaii 1941 is hereby amended to read as follows:

"Section 3. Every teacher shall receive a ten dollar (\$10.00) a month emergency increase in his salary for the period from November 1, 1941 to June 30, 1943, in addition to any increase allowed under the old schedule, and the sum of three hundred and sixty-four thousand dollars (\$364,000.00) is hereby appropriated for the purposes of this section."

Section 2. Every teacher shall receive an adjustment of his emergency increase retroactive to November 1, 1941, so that the total of (a) the amounts paid to such teacher under said section 3, previous to its amendment by this Act, and (b) the additional amounts payable under this Act, shall equal the amount which would have been paid under said section 3 as amended by this Act, had such amendment been in effect at the time of the original enactment of said Act 83.

Section 3. Notwithstanding the foregoing provisions of this Act, no teacher who would otherwise be entitled to the salary adjustment hereinabove provided shall receive such salary adjustment if such teacher, subsequent to December 7, 1941, left the Territory, or resigned, or secured a leave of absence and worked for any other employer at higher pay than he received in territorial employ, unless such teacher took leave of absence upon written recommendation and approval of the appropriate authority and, if since such time he has been instructed to return to service, has so returned.

Section 4. This Act shall take effect upon its approval.

(Approved May 1, 1943.) **H.B. 53, Act 103.**

CHAPTER 21A. FEDERAL AID.

ACCEPTANCE OF FEDERAL ASSISTANCE.

[A-26] An Act to Amend Act 107, Series A-27 of the Session Laws of Hawaii 1937, Relating to Acceptance of Federal Assistance Furnished or to Be Furnished for Public Education in the Territory of Hawaii Pursuant to Acts of the Congress of the United States of America.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 2 of Act 107, Series A-27, of the Session Laws of Hawaii 1937, is hereby amended to read as follows:

[Sec. 794.] "Section 2. **Treasurer custodian of funds.** The treasurer of the Territory of Hawaii is hereby designated as custodian of all such funds as may be received as the territorial apportionment under the provisions of any of said Federal appropriations and he is hereby authorized and directed to disburse said funds on vouchers approved by the commissioners of public instruction, or by any subordinate thereunto duly authorized by said commissioners." [L. 1937, c. 107, s. 2; am. L. 1943, c. 123, s. 1.]

Section 2. Section 3 of said Act is hereby amended to read as follows:

[Sec. 795.] "Section 3. **Use of funds.** The commissioners of public instruction, as administrators of such funds as may be allotted to the Territory of Hawaii under the provisions of such Federal legislation, are hereby, subject to such limitations as may be imposed by Congressional action; authorized and directed to use and expend such funds: (a) To improve the program of the public schools of the Territory, including any grades up to the fourteenth grade or such lower grade as shall be prescribed as a maximum for said purposes by the Act of Congress concerned, by expanding the educational offerings, particularly in the rural districts; (b) for the payment of salaries to teachers; (c) to employ additional teachers to relieve overcrowded classes; (d) to adjust the salaries of teachers to meet the increased cost of living, within such limits as may be fixed by and pursuant to territorial law; (e) to provide for the purchase of supplies, apparatus and materials for said schools; (f) for any of said purposes and to such extent as shall be permitted by the Acts of Congress concerned." [L. 1937, c. 107, s. 3; am. L. 1943, c. 123, s. 2.]

Section 3. This Act shall take effect upon its approval.

(Approved May 4, 1943.) **H.B. 148, Act 123.**

CHAPTER 21B. FOREIGN LANGUAGE INSTRUCTION.

[A-27] An Act Regulating the Teaching of Foreign Languages to Children.

Be It Enacted by the Legislature of the Territory of Hawaii:

[Sec. 795.01.] Section 1. **Declaration of legislative findings.** It is hereby declared that the study and persistent use of foreign languages by children of average intelligence in their early and formative years definitely detract from their ability properly to understand and assimilate their normal studies in the English language, which are required by law to be pursued by all children of school age, and definitely retard their progress in understanding and assimilating such studies; that the study and persistent use of such foreign languages in such early and formative years may and do, in many cases, cause serious emotional disturbances, conflicts and maladjustments; that the teaching of foreign languages compels and encourages the study and persistent use of such foreign languages, to the detriment, as aforesaid, of children in their early and formative years; that it is to the best interest, and will best promote the health and welfare, of children of tender age that such foreign language studies not be undertaken until each child shall have completed and passed at least the fourth grade or shall have attained the age of nine years, unless such child is earlier able to speak, write and read the English language and has attained a test score of at least 5.0 on standard tests in composition and in reading; and that the teaching and study of foreign language to and including the eighth grade or the age of fifteen years should be regulated in the public interest to avoid the detrimental results herein set forth to which end each of the provisions of this Act shall be enacted.

[Sec. 795.02.] Section 2. **Definitions.** As used in this Act:

(a) "School" means any person, firm, group of persons, unincorporated association, corporation, establishment, or institution, which teaches, with or without fees, compensation or other charges therefor, any language other than the English language, as a course of study, to two or more persons as a group, as a regular and customary practice.

(b) "Public school" means a public school as defined in section 729 of the Revised Laws of Hawaii 1935.

(c) "Standard test" shall be the test which is so designated and determined by the department of public instruc-

tion from time to time from such tests as are generally recognized by educators.

[Sec. 795.03.] Section 3. **[Qualifications of pupils.]** No child shall be taught a foreign language in any school unless he shall comply with one of the following requirements: (a) That he shall have passed the fourth grade in public school or its equivalent, and shall pass from time to time in each succeeding grade a standard test in English composition and reading conducted by or under the direction of the department of public instruction attaining a score not lower than normal for his grade; or (b) that he shall have passed the eighth grade in public school or its equivalent; or (c) that he shall have attained the age of fifteen years.

[Sec. 795.04.] Section 4. **[Qualifications of teachers; board of examiners.]** No school shall permit the teaching of any foreign language to any child under the age of fifteen unless the teacher shall have been examined and certified by a board of examiners of three persons appointed by the commissioners of public instruction to be reasonably well versed in the usage and idiom of both the English language and the foreign language to be taught by such teacher. The commissioners of public instruction shall appoint one or more of such boards of examiners as may be necessary. Of the members of each such board, at least two shall be well versed in the usage and idiom of both the English language and the foreign language to be taught by the teacher to be examined, and the third shall be well versed in the usage and idiom of at least one of said languages. Such board shall examine each applicant to teach such foreign language. If such applicant is found to be qualified pursuant to this section, such board shall so certify to the commissioners, who shall cause a certificate of such qualification to be issued to such teacher. No charge shall be made for such examination and certification. The expenses of such boards of examiners, including compensation, if any, allowed by the commissioners of public instruction, shall be paid out of any appropriations for the department of public instruction for general administration of teachers' salaries, or both.

[Sec. 795.05.] Section 5. **[Inspection by department of public instruction.]** Any supervising principal, or other duly authorized representative of the department of public instruction of the Territory, at any time during which such school is in operation, shall have power to attend any school, for the purpose of ascertaining whether the provisions of this Act are being complied with, and it shall be the duty of every person in charge of, or employed at, such school to permit such

representative of the department at any such time to attend the classes and activities of such school for said purposes.

[Sec. 795.06.] Section 6. [Proceedings to ensure compliance; duties of attorney general and county attorneys.] In the event any school or any person shall be found to be violating, or failing to comply with any of the requirements of, this Act, or there shall be reasonable cause to believe that such school or person is violating, or failing to comply with the requirements of, this Act, the attorney general, at his own instance or at the request of the department of public instruction, shall institute appropriate proceedings in equity in the circuit court in which the violation occurs to enjoin the performance of any acts or practices forbidden by this Act, or to require such school or person to comply with the requirements of this Act. Jurisdiction to hear and dispose of all actions under this section is hereby conferred upon each circuit court, and each such court shall have power to issue such orders and decrees, by way of injunction, mandatory injunction or otherwise, as may be appropriate to enforce the provisions of this Act. In the event any respondent or respondents shall fail or refuse to comply with any such order or decree, the court, in addition to any other powers hereby granted, shall have power to enjoin the operation and conduct of such school until and unless this Act is complied with or satisfactory assurance is given that this Act will be complied with. The county attorney of each county shall, at the request of the attorney general, conduct such proceeding in behalf of the Territory. All such suits shall be brought in the name of the Territory by the attorney general.

Section 7. [Saving clause.] If any portion of this Act, or the application thereof to any person or circumstance, shall be held to be unconstitutional or invalid, the remainder of this Act, or the application of such portion to other persons and circumstances, shall not be affected.

Section 8. This Act shall take effect upon July 1, 1943.

(Approved May 1, 1943.) S.B. 158, Act 104.

CHAPTER 23. UNIVERSITY OF HAWAII.

[A-28] An Act Relating to the University of Hawaii; Providing for the Qualifications and Appointment of the Board of Regents of the University; Providing for the Delegation by the Board of Regents of Powers and Duties, and Amending Sections 820 and 821, As Amended, of the Revised Laws of Hawaii 1935, to Effect Such Purpose.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 820, Revised Laws of Hawaii 1935, is hereby amended to read as follows:

"Sec. 820. Establishment; available to all. There is established a university of Hawaii which shall consist of such colleges and departments as may from time to time be established.

No person shall, because of sex, color or nationality, be deprived of the privileges of this institution." [L. 1919, c. 203, ss. 1, 6; R.L. 1935, s. 820; am. L. 1943, c. 133, s. 1.]

Section 2. Section 821, Revised Laws of Hawaii 1935, as amended, is hereby further amended to read as follows:

"Sec. 821. Regents; appointment, tenure; qualifications. The affairs of the university shall be under the general management and control of the board of regents consisting of nine members of whom seven shall be appointed and may be removed by the governor in the manner prescribed by section 80 of the Organic Act and one shall be the superintendent of public instruction, ex officio, and one shall be the president of the university, ex officio. Of the seven members appointed by the governor, one shall be a resident of the county of Hawaii, one, a resident of the county of Maui, and one, a resident of the county of Kauai. At least one member shall be a graduate of the university. Except as otherwise provided by statute, territorial officers shall be eligible to appointment and membership. Three of the members shall be appointed for a term to expire March 31, 1945, and four for a term to expire March 31, 1947; thereafter every appointment shall be for a term of four years, commencing from the date of the expiration of the preceding term. Any vacancy occurring before the expiration of a term shall be filled for the unexpired term. The board shall, on July 1st of each year, elect a chairman, vice-chairman, and a secretary (who shall not be a member of the board), who shall serve for the ensuing year and whose election shall be immediately certified by the board to the secretary of the Territory. The president of the uni-

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versity shall act as executive officer of the board." [L. 1919, c. 203, s. 2; R.L. 1935, s. 821; am. L. 1935, c. 72, s. 1; am. L. 1941, c. 196, s. 1; am. L. 1943, c. 133, s. 2.]

Section 3. The board of regents shall meet not less often than monthly, and may from time to time meet in each of the counties of Hawaii, Maui, and Kauai.

Section 4. The members of the board of regents shall serve without pay but shall be entitled to their traveling expenses within the Territory when attending meetings of the board or when actually engaged in business relating to the work of the board.

Section 5. As soon as practicable after the effective date of this Act, the governor shall make new appointments of appointive members of the board of regents in conformity with the provisions of section 821, Revised Laws of Hawaii 1935, as amended in section 2 of this Act, relating to the initial appointments of such members.

Section 6. This Act shall take effect upon its approval.

(Approved May 6, 1943.) **S.B. 6, Act 133.**

LEGISLATIVE REFERENCE BUREAU.

[A-29] An Act Creating a Legislative Reference Bureau as a Department of the University of Hawaii and Prescribing Its Purposes, Powers and Duties.

Be It Enacted by the Legislature of the Territory of Hawaii:

[Sec. 844.01.] Section 1. **Creation of Legislative Reference Bureau.** There is hereby created as a department of the University of Hawaii a legislative reference bureau for the use of the members of the legislature, the Governor and the various departments, institutions and agencies of this Territory, and, under such regulations as the director of said board with the approval of the president of the University of Hawaii may from time to time provide, for a limited service for such citizens of this Territory as may desire to avail themselves of its reference facilities:

[Sec. 844.02.] Section 2. **General Purposes.** The purpose of the legislative reference bureau shall be

(a) to assist the Governor and members of the legislature of this Territory in the proper performance of their functions by providing them with impartial and accurate information and reports concerning legislative problems that come or may come before them;

(b) to provide a comprehensive research and reference service on legislative and administrative problems;

(c) to secure reports of various officers and boards of this Territory and as far as may be of the states and of the other territories of the United States and such other material, periodicals, or books as will furnish the fullest information practicable upon all matters pertaining to current or proposed legislation and to legislative and administrative problems;

(d) to secure information for the legislators of this Territory by cooperating with the Legislative Reference Services in the states and with the Interstate Reference Bureau maintained by the American Legislators' Association and by the Council of State Governments;

(e) to furnish, upon their written request, to the Governor and to any member of the legislature of this Territory digest of information and material pertaining to legislative problems;

(f) to draft or aid in drafting bills, resolutions, memorials and amendments thereto, and to render legal services in connection therewith, for the Governor and for any member of the legislature when requested;

(g) to make available for use (subject to the provisions of section 3 hereof) by the various departments, institutions and agencies of this Territory and by the citizens of this Territory the reference material and facilities maintained by it.

[Sec. 844.03.] Section 3. **Prohibitions.** (a) Neither the person in charge nor any employee of the bureau nor any official assigned to work with the bureau shall reveal to any person outside of the bureau the contents of matters of any request or statement for services except with request of the person making such request or statement.

(b) Neither the person in charge nor any employee of the bureau shall urge or oppose any legislation nor give to any member advice concerning the legal, economic or social effect of any bill or proposed bill except upon the request of such member.

[Sec. 844.04.] Section 4. **Appointment of Director and Staff.** The legislative reference bureau shall be in charge of a director appointed by the president of the university with the approval of the board of regents and shall serve at the pleasure of the president. The director shall appoint such technical, clerical and stenographic assistants as may be necessary to carry out the provisions of this Act and as shall be provided for under appropriations made for the bureau. The president of the

university may assign other members of the university staff to work in connection with the bureau.

[Sec. 844.05.] Section 5. **Assistant or Deputy Attorney General to Work with Bureau.** The attorney general shall assign an assistant attorney general or deputy attorney general to work with said bureau and assist it in the performance of its duties and in particular to draft or aid in drafting bills, resolutions, memorials and amendments thereto and to render legal services in connection with the purposes and duties of the bureau.

Section 6. This Act shall take effect July 1, 1943.

(Approved April 30, 1943.) **H.B. 4, Act 91.**

Title VI. PUBLIC HEALTH.*

CHAPTER 24. BOARD OF HEALTH.

[A-30] An Act to Amend Chapter 24 of the Revised Laws of Hawaii 1935, as Amended, Relating to the Board of Health, to Conform the Penalty Provisions of Certain Health Laws to Said Chapter 24, as Amended, and to Amend Other Laws to Conform to This Act.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 24 of the Revised Laws of Hawaii 1935, as amended, is hereby further amended in the following respects:

(1) By amending **section 900** thereof, as amended by Act

* The following sections in this title were amended by the 1943 Legislature—Secs. 900, 900A (repealed), 900B, 900D, 900E, 902 and 904D by Act 43; Sec. 906 by Act 18, infra, page 48; 906A, 907A (added), and 921 by Act 43; 984 by Act 40, infra, page 49; 1031 by Act 125, infra, page 233; 1033 and 1035 by Act 204, infra, page 50; 1035.1 added by Act 53, infra, page 50; and another 1035.1 added by Act 204, infra, page 52; 1039 by Act 204, infra, page 51; 1041.1 added by Act 208, infra, page 53; 1090 and 1094B by Act 43, infra, pages 47 and 46; 1097.01 to 1097.06 added by Act 219, infra, page 54; 1113 by Act 43, infra, page 47; 1202 by Act 23, infra, page 56; 1247 by Act 115, infra, page 57; 1265 by Act 204, infra, page 51; 1266 amended and 1266.1 added by Act 115, infra, page 57; 1266.2 added by Act 176, infra, page 58; 1267.1 added by Act 122, infra, page 59; 1275 by Act 25, infra, page 59; 1450, 1450A, 1450B (repealed) and 1452 by Act 57, infra, pages 60 and 61; 1471A added by Act 37, infra, page 62; 1478A added by Act 217, infra, page 64; and 1482 by Act 217, infra, page 62.

122 (Series A-32), Session Laws of Hawaii 1937, to read as follows:

"Sec. 900. Board of health; members; qualifications; tenure; president. There shall be a board of health for the Territory (hereinafter referred to as the board) consisting of nine members (including the president), of whom eight shall be appointive members and one shall be the attorney general of the Territory, ex officio. At least two, and not more than three of the appointive members shall be physicians who are licensed to practice as doctors of medicine in the Territory. The president and other appointive members shall be appointed for terms of four years, and may be removed, by the governor in the manner prescribed by section 80 of the Hawaiian Organic Act. All of the members of the board shall serve without pay, except the president, whose salary shall be fixed by or pursuant to law, but the members shall be reimbursed for their reasonable traveling and other expenses incurred in the discharge of their duties. The president shall be the presiding officer of the board. During the temporary absence from the Territory or the illness of the president, the governor shall designate one of the members of the board as acting president; provided that, in case of the absence from any meeting of the president or an acting president, any member may be chosen by the board to preside at such meeting." [P.C. 1869, c. 59, ss. 1, 31; am. L. 1876, c. 11, s. 2; am. L. 1893-4, c. 18, s. 1; am. L. 1903, c. 57, s. 1; am. L. 1911, c. 132, s. 1; am. L. 1925, c. 34, s. 1; R.L. 1935, s. 900; am. L. 1937, c. 122, s. 1; am. L. 1943, c. 43, pt. of s. 1.]

(2) By repealing **section 900-A** thereof, as enacted by said Act 122.

(3) By amending **section 900-B** thereof, as enacted by said Act 122, to read as follows:

"Sec. 900-B. Quorum. Five members of the board shall constitute a quorum for the exercise of the powers or authority conferred upon it by the concurrence of a majority of the members present, but in no event less than four members shall be necessary to make any action of the board valid." [L. 1937, c. 122, pt. of s. 2; am. L. 1943, c. 43, pt. of s. 1.]

(4) By amending section 900-D thereof, as enacted by said Act 122, to read as follows:

"Sec. 900-D. President is executive officer; powers. The president shall act as executive officer of the board, with all the powers and duties necessary for carrying on the executive work of the board. He shall have control, management and direction of all officers and employees serving under him and shall have full power and authority of action, including the

appointment, suspension or dismissal of such officers and employees, subject to ratification by the board at regular or special meetings; provided, however, that all appointments, suspensions or dismissals shall be made pursuant to any applicable civil service and personnel classification laws then in effect. The president shall have full power, and it shall be his duty, to administer and enforce all regulations and directions of the board, and the powers and functions which, under the laws of the Territory, are delegated to the board." [L. 1937, c. 122, pt. of s. 2; am. L. 1943, c. 43, pt. of s. 1.]

(5) By amending **section 900-E** of said Revised Laws, as enacted by said Act 122, by substituting for the words "territorial commissioner of public health" in the last line of said section, the words "president of the board".

(6) By amending **section 902** of said Revised Laws, as amended in toto by said Act 122, by substituting for the words "territorial commissioner of public health", in the first two lines therein, the words "president of the board of health".

[**Sec. 904D**, amended by Section 5(c) of this Act.]

[**Sec. 906**, amended by Act 18, *infra*, page 48.]

(7) By amending **section 906-A** thereof, as enacted by Act 83 (Series A-37), of the Session Laws of Hawaii 1941, by substituting for the words "commissioner of public health"; in the second line of paragraph (3) of said section, the words "president of the board of health".

(8) By adding to said chapter 24 a new section numbered 907-A, to read as follows:

"Sec. 907-A. Signing of vouchers and routine reports, etc., by authorized subordinate. The president of the board of health, with the approval of the board, may, in writing, designate a qualified subordinate to sign vouchers, make routine reports, and perform such other routine business duties, subject to the direction of the president, as the board may authorize, for whose acts the president shall be responsible."

[**Sec. 921**, amended by Section 5(a) of this Act.]

Section 2. **Section 1094-B** of said Revised Laws, as enacted by Act 121 (Series A-40) of the Session Laws of Hawaii 1941, is hereby amended by substituting for the words "territorial commissioner of public health", wherever the same appear in said section, the words "president of the board of health".

Section 3. All laws or parts of laws, ordinances, rules, regulations, orders, proceedings and directives, wherein the terms "territorial commissioner of public health" or "commissioner of public health" are used, or wherein reference is made to such commissioner, are hereby amended to conform to this

Act, by substituting for the terms so used the term "president of the board of health", wherever such substitution is appropriate. All references to the territorial commissioner of public health, in any laws now in effect or hereafter enacted, or in any contract heretofore entered into, shall be deemed to refer to and mean the president of the board of health. All laws or parts of laws inconsistent with this Act are hereby amended to conform to this Act.

Section 4. The terms of the present commissioner of public health and of the present members of the board of health of the Territory shall expire on the effective date of this Act; provided that all such officers shall continue to hold their offices and perform their respective duties and functions in the same manner as if this Act had not been enacted, until the president and the new members of the board shall have been duly appointed and qualified under this Act.

Section 5. In order to conform the penalties for violations of the health laws hereinafter set forth and the regulations of the board of health thereunder, with the penalties provided by chapter 24 of the Revised Laws of Hawaii 1935, as amended, it is hereby provided as follows:

(a) Section 921 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

"Sec. 921. [Penalty.] Any person violating any rules or regulations authorized by section 920 shall be punished as provided in section 906." [L. 1907, c. 70, s. 2; R.L. 1935, s. 921; am. L. 1943, c. 43, pt. of s. 5.]

(b) Chapter 34 of the Revised Laws of Hawaii 1935 is hereby amended in the following respects:

(1) By deleting the last sentence of **section 1090**, and by inserting in lieu thereof the following:

"Every physician who shall refuse or neglect to give such notice, or make such report, shall be deemed guilty of a misdemeanor punishable as provided in section 1113."

[See note, page 44.]

(2) By amending section 1113 thereof to read as follows:

"Sec. 1113. Violations; penalty. Any person violating any of the provisions of this chapter, or any rule or regulation of the board of health relating thereto, shall be deemed guilty of a misdemeanor. Except as herein otherwise provided the punishment therefor shall be the same as is provided by section 906." [L. 1911, c. 118, s. 16; R.L. 1935, s. 1113; am. L. 1943, c. 43, pt. of s. 5.]

(c) Section 4 [**Sec. 904D**] of Act 87 (Series A-36) of the Session Laws of Hawaii 1941 is hereby amended by changing the comma following the word "misdemeanor" to a period, by

deleting the rest of said section, and by inserting in lieu thereof the following:

"The punishment therefor shall be the same as is provided by section 906 of the Revised Laws of Hawaii 1935, as amended."

[See note, page 44.]

Section 6. This Act, except as otherwise expressly or by necessary implication required or provided herein, shall not affect the validity or effectiveness of any proceeding, order, decision, rule, regulation, contract, or act had, entered, promulgated or made, or the enforceability of any rights, liabilities, penalties or forfeitures, accruing, acquired or incurred, prior to the effective date of this Act, but the same shall be given effect and enforced in the same manner and to the same extent, as nearly as may be, except for the substitution, wherever appropriate, of the officers created by this Act in lieu of those provided by said laws prior to their amendment by this Act, as if this Act had not been enacted.

Section 7. This Act shall take effect upon its approval.

(Approved April 19, 1943.) **S.B. 92, Act 43.**

CHAPTER 25. BARBER SHOPS.

[Sec. 921. Punishment. Amended by Act 43, supra, page 47.]

[A-31] An Act to Amend Section 906 of the Revised Laws of Hawaii 1935, Relating to Violations of Regulations of the Board of Health.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 906 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

"Sec. 906. Penalty for violating. Every person who shall violate any regulation of the board of health, after the same shall have been published, as provided in section 905, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding one year, or by both

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such fine and imprisonment." [P.C. 1869, c. 59, s. 8; R.L. 1935, s. 906; am. L. 1943, c. 18, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved March 30, 1943.) **S.B. 46, Act 18.**

[See note, page 44.]

CHAPTER 28. DENTISTRY.

BOARD OF EXAMINERS.

[A-32] An Act Relating to the Board of Dental Examiners and Amending Section 984 of the Revised Laws of Hawaii 1935, as Amended.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 984** of the Revised Laws of Hawaii 1935, as amended, is hereby further amended by substituting for the word "three" in the fourth line of the first sentence thereof the word "five".

Section 2. This Act shall take effect upon its approval.

(Approved April 19, 1943.) **S.B. 227, Act 40.**

CHAPTER 32. FEEBLE-MINDED: WAIMANO HOME.

[Sec. 1031, amended by Act 125, infra, page 233.]

[A-33] An Act to Amend Chapter 32 of the Revised Laws of Hawaii 1935, as Amended, Relating to Feeble-Minded and Epileptic Persons, Their Commitment and Release, and Amending Section 1265 of Chapter 41 of Said Revised Laws as Enacted by Act 203, Series D-175, of the Session Laws of Hawaii 1939, to Conform to Such Amendments.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 32 of the Revised Laws of Hawaii 1935, as amended, is hereby further amended in the following particulars and respects:

(1) By amending section 1033 thereof to read as follows:

"Sec. 1033. Feeble-minded persons, who are. The following persons are held to be feeble-minded: Those who are incapable of self-support and self-management in the community, and who cannot attain to such self-support and self-management, by reason of deficient mental development as demonstrated by standard psychological tests, and who require supervision, control and care for their own welfare, or the welfare of others, or for the welfare of the community." [L. 1919, c. 102, s. 4; R.L. 1935, s. 1033; am. L. 1943, c. 204, pt. of s. 1.]

(2) By amending section 1035 thereof to read as follows:

"Sec. 1035. Commitment of feeble-minded person; application for order; certificate; forms. Any person found by a court of competent jurisdiction to be feeble-minded may be committed to Waimano Home.

Any relative of an alleged feeble-minded person, or the guardian of such person, or an officer of any well recognized charitable, corrective or educational institution, social agency or home, or any public welfare or probation officer may apply to such court for an order of commitment by presenting a verified application containing a statement of facts upon which the allegations of feeble-mindedness are based and the reasons for which the application for the order is made.

Such application shall be accompanied by a signed certificate of a psychiatrist or other physician duly qualified by special professional training and experience in the diagnosis of feeble-mindedness, or of a psychologist in the psychological clinic of the Territory, or of a psychologist certified by said psychological clinic to be qualified in the diagnosis of feeble-mindedness, which certificate shall state that he has duly examined the alleged feeble-minded person, and the results of such examination, and his professional opinion that such person is feeble-minded.

Such certificate shall be in such form as shall be prescribed by the director of institutions, who shall furnish the same to any person on request." [L. 1919, c. 102, s. 6; R.L. 1935, s. 1035; am. L. 1943, c. 204, pt. of s. 1.]

(3) By adding to said chapter a new section numbered 1035.1 to read as follows:

"Sec. 1035.1. Commitment of epileptics. Upon application to a court having jurisdiction to commit feeble-minded persons, made by any relative of an alleged epileptic person, or by an officer of any well recognized charitable, corrective or educational institution, social agency or home, or any public

welfare or probation officer, supported by the certificate of a qualified physician stating that he has duly examined such alleged epileptic and the results of such examination, and his professional opinion that such person is afflicted with epilepsy to such degree and of such a character as to warrant his commitment and confinement, such court may commit such epileptic to Waimano Home if it finds him to be so afflicted with such epilepsy as to require for his own welfare, or the welfare of others, or for the welfare of the community, that he be so committed.

The procedure with respect to such commitment shall be the same, as nearly as may be, as that in cases of commitment of feeble-minded persons."

[Sec. 1035.1. A new section also added by Act 53, *infra*, page 52.]

(4) By amending **section 1039** thereof, as amended in toto by Act 5, Series D-232, of the Session Laws of Hawaii 1941, by inserting after the word "satisfied", in the eleventh line of said section, the words "on the basis of further psychological examination".

Section 2. Chapter 41 of said Revised Laws, as amended, is hereby further amended by amending section 1265 thereof as enacted by Act 203, Series D-175, of the Session Laws of Hawaii 1939, to read as follows:

"Sec. 1265. Transfer to Waimano Home. The Governor may order any patient who has been committed to the hospital as an insane person to be transferred to Waimano Home upon the application of the medical director for such transfer, such application to be accompanied by the certificate of the medical director that in his opinion, based on psychological examination, such patient is feeble-minded and not insane." [L. 1939, c. 203, pt. of s. 4; am. L. 1943, c. 204, pt. of s. 2.]

Section 3. Any relative of an alleged feeble-minded person, or guardian of such person, shall have the right of appeal as in civil cases from the finding of the court referred to in section 1035 as amended by this Act.

Section 4. This Act shall take effect upon its approval.

(Approved May 14, 1943.) **S.B. 182, Act 204.**

[See note, page 44.]

[A-34] An Act to Amend Chapter 32 of the Revised Laws of Hawaii 1935, as Amended, by Adding Thereto a New Section Relating to Guardianship of the Person of Patients at Waimano Home.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 32 of the Revised Laws of Hawaii 1935, as amended by Act 203, Series D-175, of the Session Laws of Hawaii 1939, and by Act 5, Series D-232, of the Session Laws of Hawaii 1941, is hereby further amended by adding thereto a new section to be numbered 1035.1 and to read as follows:

"Sec. 1035.1. Guardianship of the person of inmates. Notwithstanding any law to the contrary, the director shall be the guardian of the person of every person committed to, or received at, the home for the period such person shall remain under his jurisdiction. He shall have all the powers and duties of a natural guardian of such person and in addition thereto all the powers and duties of a guardian of the person duly appointed by a court of competent jurisdiction; provided, however, that he shall not be liable in damages for any tortious act committed by such person. In case any person committed to said home or entering said home by agreement without commitment, shall have a guardian of the person already appointed by any court of competent jurisdiction, such guardianship of the person shall be terminated or suspended during the period such person shall remain under the jurisdiction of the director as an inmate of said home, and it shall be the duty of such guardian before entering into any agreement with the director concerning such admission without commitment, or within ten days after such admission, to report such fact to the court which shall enter an order in conformity with this section."

[Sec. 1035.1. A new section also added by Act 204, supra, page 50.]

Section 2. This Act shall take effect upon its approval.

(Approved April 22, 1943.) **S.B. 153, Act 53.**

[A-35] An Act to Amend Chapter 32 of the Revised Laws of Hawaii 1935, as Amended, by Adding Thereto a New Section Relating to Parole and Earnings of Patients of Waimano Home.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 32 of the Revised Laws of Hawaii 1935, as amended, is hereby further amended by adding thereto a new section to be numbered 1041.1 and to read as follows:

"Sec. 1041.1. Earnings of patients. Where an inmate (hereinafter referred to as a 'patient') of the home is paroled the director shall arrange to receive, and shall collect, at least one-half of the patient's net earnings which shall be deposited by the director in a bank in trust for the patient; provided, however, that if such patient shall, with the prior written approval of the director, voluntarily contribute a portion of his earnings to a purpose for his own best interest or his relatives' welfare then the director may arrange to receive and collect only one-half of the patient's net earnings less the amount of such contributions. The term 'net earnings' shall mean the total amount received less necessary living expenses. The necessary living expenses shall be determined by the director in each case.

When the director shall decide that an emergency exists and that it is for the patient's best interests, or his relatives' welfare, he may, at the patient's request, withdraw sums from any amounts so deposited in trust and permit the patient to expend them subject to such directions as he may impose. Also, when any patient shall incur any lawful obligation which the director deems unusual and which he may decide should immediately be paid, he may make withdrawals and discharge the obligation."

Section 2. All prior acts of the director, relative to earnings of inmates which would have been valid if this Act had not been in effect at the time, are hereby approved, ratified and confirmed, any other provisions of law to the contrary notwithstanding. This section shall not be construed or deemed to imply that any of said prior acts were unauthorized or illegal.

Section 3. This Act shall take effect upon its approval.

* (Approved May 15, 1943.) H.B. 201, Act 208.

CHAPTER 34. INFECTIOUS AND CONTAGIOUS DISEASES.

[Secs. 1090 and 1094B. Amended by Act 43, supra, pages 47 and 46.]

SYPHILIS, CONGENITAL, REPORTS OF.

[A-36] An Act to Prevent Congenital Syphilis, Requiring Certain Blood Tests and Reports in Cases of Pregnancy, and Certain Reports as to Births and Stillbirths, and Prescribing Penalties for Violations.

Be It Enacted by the Legislature of the Territory of Hawaii:

[Sec. 1097.01.] Section 1. [Blood samples of pregnant women required.] Every physician attending a pregnant woman in the Territory of Hawaii for conditions relating to her pregnancy during the period of gestation and/or at delivery, shall, in the case of every woman so attended, take or cause to be taken a sample of the blood of such woman, and shall submit such sample to an approved laboratory for a standard serologic test for syphilis. Every other person permitted by law to attend pregnant women in the Territory, but not permitted by law to take blood samples, shall cause a sample of the blood of every pregnant woman attended by him to be taken by a duly licensed physician and shall have such sample submitted to an approved laboratory for a standard serologic test for syphilis. Such samples of blood shall be taken at the time of the first visit to the pregnant woman or within fourteen days thereafter. Every pregnant woman shall permit such sample of her blood to be taken by a licensed physician as hereinabove provided.

[Sec. 1097.02.] Section 2. [Serologic tests to be made.] For the purposes of this Act a standard serologic test shall be a test for syphilis approved by the board of health of the Territory, and shall be made at a laboratory approved to make such tests by the board of health. Such laboratory tests as are required by this Act shall be made on request without charge at the board of health laboratories. The board of health shall issue a "laboratory report form" to be distributed upon application to all laboratories approved to make tests called for in this section. Any laboratory making any such tests shall prepare the report thereof in triplicate. The original of such report shall be transmitted by the laboratory making such test to the certifying physician. The duplicate and triplicate copies of such reports shall be forwarded at weekly intervals to the board of health. The triplicate shall be retained by the laboratory in its files and shall be open at

any time for inspection by any authorized representative of the board of health.

[Sec. 1097.03.] Section 3. **[Reports of blood tests to be made.]** In reporting a birth and stillbirth, every physician or other person required to make such reports shall state, in a report accompanying the certificate, whether, according to his knowledge or information, a blood test for syphilis has been made upon a specimen of blood taken from the woman who bore the child for which the birth or stillbirth certificate is filed and the approximate date when the specimen was taken. The board of health is authorized to investigate the circumstances surrounding the birth of any baby on whose mother no serologic test, as required by this Act, appears to have been taken. Failure on the part of any physician or other person permitted by law to attend pregnant women to comply with this Act shall be considered a misdemeanor.

[Sec. 1097.04.] Section 4. **[Reports confidential; penalty.]** Any information secured from the tests or the reports in this Act required to be made by persons having access to such tests or reports shall be used only in connection with their professional duties or within the scope and course of their employment, but not otherwise, and except to the extent required in connection with enforcement of the laws and ordinances of the Territory, and its political subdivisions, and valid rules and regulations adopted thereunder, which are for the protection of the public health, shall not be divulged to others than the doctor and other person permitted by law to attend and attending a pregnant woman, laboratory technicians, or the board of health and its duly authorized representatives. Any person violating the provisions of this section shall be punished by a fine of five hundred dollars (\$500.00), or by imprisonment of not more than ninety (90) days, or by both such fine and imprisonment.

[Sec. 1097.05.] Section 5. **[Rules and regulations.]** The board of health shall have the power, subject to the approval of the governor, to adopt, promulgate and enforce rules and regulations for the more effective enforcement of the provisions of this Act.

[Sec. 1097.06.] Section 6. **[Penalty for violation.]** Any physician or other person permitted by law to attend pregnant women, and any other person, who violates any provision of this Act or any rule or regulation of the board of health adopted pursuant to this Act, shall be guilty of a misdemeanor, punishable as provided by section 906 of the Revised Laws of Hawaii 1935.

Section 7. **[Saving clause.]** If any provision of this Act, or the application thereof to any person or circumstance is for any

reason held to be unconstitutional or invalid, the remainder of this Act, or the application of such provision to other persons or circumstances shall not be affected.

Section 8. This Act shall take effect on July 1, 1943.

(Approved May 17, 1943.) **H.B. 316, Act 219.**

TUBERCULOSIS.

[Sec. 1113. Violations; penalty. Amended by Act 43, supra, page 47.]

CHAPTER 39. MEDICINE AND SURGERY.

[A-37] An Act to Amend Section 1202 of the Revised Laws of Hawaii 1935, Pertaining to the Duties of Physicians, Surgeons, Hospitals, Clinics, etc., to Report Certain Wounds and Injuries and Deaths Resulting therefrom.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 1202 of the Revised Laws of Hawaii 1935, is hereby amended by inserting after the word "of" in the third line thereof the words "knife wound" followed by a comma.

Section 2. This Act shall take effect upon its approval.

(Approved April 2, 1943.) **S.B. 38, Act 23.**

CHAPTER 41. MENTAL DISEASES: TERRITORIAL HOSPITAL.

[A-38] An Act to Amend Chapter 41 of the Revised Laws of Hawaii 1935, as Amended by Act 203 of the Session Laws of Hawaii 1939, and by Act 325 of the Session Laws of Hawaii 1941, Relating to the Territorial Hospital, by Amending Sections 1247 and 1266 Thereof, and by Adding Thereto a New Section to Be Numbered 1266.1, Relating to the Custody of Money Belonging to Patients.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 41 of the Revised Laws of Hawaii 1935, as amended by Act 203 (Series D-175) of the Session Laws of

Hawaii 1939, and by Act 325, (Series A-46) of the Session Laws of Hawaii 1941, is hereby further amended in the following respects:

(a) By amending **section 1247** thereof, as amended, by adding at the end of the last paragraph thereof a new sentence reading as follows:

"The magistrate or judge shall, before issuing an order for commitment, make special inquiry of the financial condition of the person, which information shall be incorporated in the order for commitment."

[**Sec. 1265**, amended by Act 204, *supra*, page 51.]

(b) By amending **section 1266** thereof, as amended, to read as follows:

"Sec. 1266. Guardianship for insane patient. Whenever it shall appear that any person committed to the hospital has property or interest in property of any description situate in the Territory, and no guardian shall have been previously appointed, the medical director may make application to the circuit court of the first judicial circuit for the appointment of a suitable person as special guardian of the estate of such person until he is discharged from the hospital or a guardian is appointed under chapter 142. Such special guardian may be the business manager or any other suitable employee of the hospital, approved by the medical director. A guardian appointed under this section shall have all the powers and duties of regularly appointed guardians, but he shall not be required to give special bond as such guardian, or entitled to receive any compensation as such guardian from the estate of such person. He shall conserve the estate of the person, and, upon prior application to and issuance of an order therefor by, the court in a proper case, shall make such payments out of such person's estate as may be so ordered for the maintenance and care of such person. He may in his discretion, any other provision of this chapter notwithstanding, withdraw and pay over to the patient upon discharge a sum not exceeding \$50.00. The guardian shall be discharged after accounting to the court without advertising but after audit by the territorial auditor upon the death or discharge of the patient from the hospital and the payment or delivery of the patient's property remaining in his hands to the proper person entitled thereto." [L. 1939, c. 203, pt. of s. 4; am. L. 1943, c. 115, pt. of s. 1.]

(c) By adding to said chapter 41, as amended, a new section to be designated as **section 1266.1** and to read as follows:

"Sec. 1266.1. Custody of money belonging to patients. Whenever small amounts of cash belonging to a patient shall come into the hands of the medical director he may, instead of seeking the appointment of a guardian as in this chapter provided, deposit said moneys in the bank and may from time to

time apply the same or any part thereof as he shall determine for the benefit of the patient, provided, however, that as long as no such guardian shall have been appointed he shall not apply said moneys or any part thereof for the maintenance of the patient in the hospital."

Section 2. This Act shall take effect upon its approval.

(Approved May 4, 1943.) **S.B. 154, Act 115.**

[A-39] An Act to Amend Chapter 41 of the Revised Laws of Hawaii 1935, as Amended, by Adding Thereto a New Section Providing for a Special Expendable Fund for the Territorial Hospital and to Provide for Payments and Expenditures From Said Fund.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 41 of the Revised Laws of Hawaii 1935, as amended, is hereby further amended by adding thereto a new section to be numbered 1266.2 and to read as follows:

"Sec. 1266.2. Special Fund; proceeds of agricultural and industrial pursuits. All moneys arising from agricultural or industrial pursuits or activities at the hospital, and all moneys arising from the sale of produce from any public lands of the Territory which have been duly set apart by executive order for use by the hospital or from the sale of produce of animal husbandry conducted by said hospital shall, upon receipt thereof, be paid into the territorial treasury into a special fund to be known as the territorial hospital revolving fund. Moneys in said fund shall be expendable by the director for any of the purposes of said hospital."

Section 2. Nothing in this Act contained shall be deemed or construed to limit, restrict or otherwise affect the powers of the Governor under the Hawaii Defense Act as the same now exists or may be amended from time to time, or to affect in any manner the operation of Rule No. 38 promulgated under said Defense Act so long as said rule shall remain in effect.

Section 3. This Act shall take effect upon its approval.

(Approved May 12, 1943.) **H.B. 203, Act 176.**

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NARCOTIC DRUGS.

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SERIES A-41.—ACT 25]

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[A-40] An Act to Amend Chapter 41 of the Revised Laws of Hawaii 1935, as Amended, by Adding Thereto a New Section Numbered 1267.1, Relating to the Custody of Patients of, and the Apprehension of Escapees From, the Territorial Hospital.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 41 of the Revised Laws of Hawaii 1935, as amended by Act 203 (Series D-175) of the Session Laws of Hawaii 1939, and by Act 325 (Series A-46) of the Session Laws of Hawaii 1941, is hereby further amended by adding thereto a new section to be numbered 1267.1 and to read as follows:

"Sec. 1267.1. Custody of inmates, apprehension of escapees, etc. The medical director shall be responsible for the safe-keeping of all persons who may be committed to or received by the hospital under this chapter and for the enforcement of proper order among and concerning such persons and hospital officers and employees.

"Any inmate of the hospital committed to or received by the hospital under the provisions of this chapter who shall escape or leave the hospital without permission or authority of the medical director may be apprehended and returned to the custody of the medical director by any sheriff, deputy sheriff, police officer or employee of said hospital without any warrant or further proceeding."

Section 2. This Act shall take effect upon its approval.

(Approved May 4, 1943.) **S.B. 140, Act 122.**

**CHAPTER 42. NARCOTIC DRUGS,
UNIFORM ACT.**

[A-41] An Act Amending Section 1275 of the Revised Laws of Hawaii 1935, Relating to Prescriptions for Habit-Forming Drugs.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 1275 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

"Sec. 1275. Prescriptions. An apothecary may sell or dispense narcotic or habit-forming drugs to any individual upon a prescription written with ink or indelible pencil or typewritten, issued in duplicate and signed by a physician, dentist or veterinarian, dated and signed on the day when issued and

bearing the full name and address of the patient for whom, or of the owner of the animal for which the drug is dispensed, and the name, address, and registry number under the Federal Narcotic Act of the person prescribing, if he is required by it to be so registered. If the prescription be for an animal, it shall state the species of animal for which the drug is dispensed. Individual prescriptions for narcotics and habit-forming drugs so issued shall be submitted to the apothecary in duplicate. The apothecary, upon filling the prescription, shall write the date of filling and his own signature on the face of the original and duplicate prescription, and shall also note thereon the action taken by him. The apothecary shall within seven days after filling the prescription forward the duplicate thereof to such public officer or employee engaged in the enforcement of the Federal Narcotic Act as the commissioner of public health may designate; and shall retain the original thereof on file for a period of two years after filling the same. All records so filed shall be accessible for inspection at all times by any public officer or employee engaged in the enforcement of this chapter. No prescription shall be filled later than the third day next following the day of its issue. No prescription for narcotics or habit-forming drugs shall be refilled." [L. 1931, c. 152, s. 6; R.L. 1935, s. 1275; am. L. 1943, c. 25, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved April 2, 1943.) **H.B. 92, Act 25.**

CHAPTER 51. UNDERTAKERS, EMBALMERS, FUNERAL DIRECTORS.

[A-42] An Act to Amend Chapter 51 of the Revised Laws of Hawaii 1935, as Amended, Relating to Undertakers, Embalmers and Funeral Directors.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 51 of the Revised Laws of Hawaii 1935, as amended, is hereby further amended in the following particulars:

(1) By amending section 1450 thereof to read as follows:

"**Sec. 1450. Licensed by board of health.** The board of health of the Territory shall have power, upon the payment to it of an examination fee of ten dollars, to examine, or cause to be examined by not less than two practicing embalmers,

undertakers and funeral directors, any resident of the Territory over twenty years of age, of good moral character, who shall have had not less than five (5) years practical experience under the supervision of a registered embalmer or undertaker in the Territory, or who shall have had not less than two (2) years of such practical experience and shall have completed a high school course requiring four years to complete or their equivalent educational training, or who shall have been a resident of the Territory for not less than one (1) year, and shall be a graduate of a recognized school of embalming, or shall have been a resident of the Territory for not less than one year, and shall hold a state license for embalming. All examinations shall be conducted in writing and supplemented by practical demonstrations and shall be upon such subjects as the board may by regulation prescribe. Every such person who shall pass the examination shall be given a license as an embalmer." [L. 1933, c. 36, s. 1; R.L. 1935, s. 1450; am. L. 1943, c. 57, pt. of s. 1.]

(2) By amending section 1450-A thereof, as said section was enacted by Act 174 of the Session Laws of Hawaii 1937, to read as follows:

"Sec. 1450-A. Rules and regulations. The board shall have power to prescribe such rules and regulations as it shall deem reasonable and proper relating to the practice of embalming, to the business of an undertaker, or to the sanitary condition of places where such business or practice is conducted." [L. 1937, c. 174; s. 1; am. L. 1943, c. 57, pt. of s. 1.]

(3) By repealing **section 1450-B** thereof as enacted in said Act 174.

(4) By amending the first paragraph of section 1452 thereof to read as follows:

"Sec. 1452. Registration of apprentices. Any person at least eighteen (18) years of age, of good moral character, may qualify as an apprentice under a regularly licensed embalmer. He must register with the board, and, upon the payment of a fee of one dollar (\$1.00), a certificate of apprenticeship shall be issued him."

Section 2. This Act shall take effect upon its approval.

(Approved April 24, 1943.) **H.B. 166, Act 57.**

**CHAPTER 53. VITAL STATISTICS:
BIRTHS, DEATHS,
MARRIAGES.**

REGISTRARS AND RECORDS.

[A-43] An Act Amending Chapter 53 of the Revised Laws of Hawaii 1935, as Amended, Relating to Vital Statistics, by Enacting a New Section to be Known as Section 1471-A, Providing for Deputy Registrars.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 53 of the Revised Laws of Hawaii 1935, as amended, is hereby further amended by inserting a new section therein to be known as section 1471-A which shall read as follows:

"Sec. 1471-A. Appointment of deputy registrars. The board is directed to appoint one or more deputy registrars of births, deaths, and marriages in and for each judicial district in the Territory and in each subdivision of a district in which a registrar is appointed. A deputy registrar, under the supervision of the registrar, shall have all the duties and powers of a registrar."

Section 2. This Act shall take effect upon its approval.

(Approved April 19, 1943.) **S.B. 104, Act 37.**

[Sec. 1478A added by Section 2 of following Act.]

[A-44] An Act Relating to Vital Statistics, and Amending Chapter 53 of the Revised Laws of Hawaii 1935, as Amended.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 53 of the Revised Laws of Hawaii 1935, as amended, is hereby further amended by amending section 1482, as amended, to read as follows:

"Sec. 1482. Certified copies of records of birth, stillbirth, marriage and death; certifications of birth; evidence; fee.
1. Subject to the provisions of section 1487, and subject to the conditions and exceptions hereinafter provided, the registrar general shall furnish to any person applying for the same a certified copy of the record of any birth, stillbirth, marriage

or death contained in any of the records kept under or by virtue of this chapter; provided, however:

“(a) That a certified copy of the record of birth shall be issued only upon order of a court of competent jurisdiction, or upon a specific request for such certified copy by the person, if of legal age, or by a parent or other lawful representative of the person, to whose birth the record relates, except that the registrar general may issue a certified copy of a birth record or certification of birth as may be necessary for official use upon the request of a department, agency or officer of any territorial, state or federal government or subdivision thereof; and

“(b) That in all other proper cases of requests for certification as to the birth record of any person, the registrar general shall issue a certification of birth, which shall contain only the name, sex, date of birth and place of birth of the person to whom it relates and none of the other data on the record of birth; provided, further, that the registrar general may inquire as to the reason for any such request, and may refuse such request if certification does not appear to be necessary or required for a proper purpose.

“2. Such certified copy of a record of birth, stillbirth, marriage or death, or certification of birth, when properly certified by the registrar general, shall be prima facie evidence of the facts therein stated, in all courts, and places, and in all actions, proceedings or applications, judicial, administrative or otherwise; and any such certification of birth shall be accepted with the same force and effect with respect to the facts therein stated as the original birth record or a certified copy thereof. For any such certified copy the sum of one dollar shall be charged and paid and accounted for to the treasury of the Territory; provided, however, that the registrar general shall furnish free of charge a certified copy of any of said records to any department, agency, or officer of any territorial, state or federal government or subdivision thereof, or to representatives of the consular corps, or to any domestic or foreign corporation, association or organization not operated for profit which engages in public charity; and provided, further, that the registrar general upon application of the parent or guardian of any child, shall certify, free of charge, whenever the same is required for the admission of any child to a public or private school or for the purpose of securing employment for such child, as to the name, date and place of birth of such child as shown upon the aforesaid records kept under or by virtue of this chapter; provided, further, that the director of the census of the United States or any of his assistants, acting in their official capacity, may obtain, free of charge, transcripts of the

said records of births, stillbirths and deaths." [L. 1896, c. 50, s. 19; am. L. 1913, c. 86, s. 4; am. L. 1929, c. 107, s. 1; am. L. 1932, 2d, c. 10, s. 1; R.L. 1935, s. 1482; am. L. 1937, c. 196, s. 1; am. L. 1943, c. 217, s. 1.]

Section 2. Said chapter 53 is hereby further amended by inserting therein a new section which shall be designated Sec. 1478A, and shall read as follows:

"Sec. 1478A. [Amendments to birth records.] In case of the adoption of any person, the registrar general, upon receipt of a certified copy of the adoption decree shall prepare a supplementary birth record in the new name of the adopted person, and seal and file the original record of birth with the certified copy of the adoption decree attached thereto. Upon receipt of a certified copy of a court order of annulment of adoption, the registrar general shall restore the original record to its original place in the files. In the case of the legitimation of any child by subsequent marriage of its parents, the registrar general, upon receipt of a certified copy of the marriage certificate of the parents, together with a statement of the husband acknowledging paternity, shall prepare a new record of birth in the new name of the child so legitimated. The evidence upon which the new record was made, and the original record, shall be sealed and filed.

"The sealed records made in accordance with the provisions hereinabove contained may be opened only upon order of a court of competent jurisdiction."

Section 3. This Act shall take effect on the first day of the month immediately following the month in which it is approved.

(Approved May 17, 1943.) **H.B. 252, Act 217.**

[**Sec. 1482**, amended by Section 1 of foregoing Act.]

Title VII. PUBLIC LANDS.

CHAPTER 54. PUBLIC LANDS: MANAGEMENT AND DISPOSITION OF.

E. DISPOSITION OF RECORDS.

[A-45] An Act to Amend Chapter 54 of the Revised Laws of Hawaii 1935, Relating to Public Lands, by Adding a New Section Thereto to be known as Section 1578-A.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 54 of the Revised Laws of Hawaii 1935, relating to public lands, is hereby amended by adding thereto a new section to be known as section 1578-A, reading as follows:

"Sec. 1578-A. Withdrawal of property pursuant to terms of instrument of conveyance; appraisal. When any instrument of sale or conveyance, or other transfer of possession of or title to public lands shall contain any provision by way of exception, reservation or otherwise, authorizing the government to take title to or possession of any portion of such lands and any improvements thereon for the purpose or purposes stated in such instrument, and no funds are available for the payment of any compensation provided therein, the commissioner of public lands may, with the approval of the governor, receive and use for the purpose of paying the compensation therefor, where such compensation is necessary, moneys given or advanced therefor from other than government funds. Any moneys so given or advanced shall not constitute a government realization nor be paid into the territorial treasury as such, but shall be held and used by the commissioner only for the purpose for which it was paid or advanced.

"When any appraisal is required, the same shall be made as provided in section 1578."

Section 2. This Act shall take effect upon its approval and shall apply to all instruments of sale or conveyance, or other transfer of possession of or title to public lands heretofore as well as hereafter made.

(Approved April 26, 1943.) **S.B. 161, Act 59.**

CHAPTER 55A. MOLOKAI WATER BOARD.

[A-46] An Act Creating the Molokai Water Board and Providing for Its Powers and Duties; Providing for the Construction, Managing, Maintenance, and Operation of an Irrigation and Water Utilization System and Providing for the Repayment of the Cost of Construction Thereof; Granting the Right of Eminent Domain; and Making Appropriations and Providing for the Issuance of Territorial Bonds for the Purposes of Such System and Board.

Be It Enacted by the Legislature of the Territory of Hawaii:

[Sec. 1681.01.] Section 1. [Board; expenses; manager; annual report.] There is hereby created the Molokai Water Board (hereinafter referred to as the "board"). The members of the Hawaiian Homes Commission shall constitute said board and shall serve without pay but shall be entitled to such reasonable traveling expenses as may be incurred in the discharge of their official duties, provided that when any member shall be required to travel from any island to another island of the Territory in the performance of his official duties he shall be allowed the actual cost of his transportation and, in addition thereto, ten dollars (\$10.00) a day to cover all other expenses.

The board shall appoint a manager and such assistants and employees as may be necessary for the proper performance of the board's duties under this Act.

The chairman of the board shall be annually elected by the members thereof. The board shall make an annual report to the governor not later than the fifteenth day of February of each year.

[Sec. 1681.02.] Section 2. [Powers of board; right of eminent domain.] The board shall have the power to make preliminary surveys and engineering studies, and to construct an irrigation and water utilization project, designed primarily to serve and supply the lands of the Hawaiian Homes Commission on Molokai and, in the event of the development of any surplus water over and above that needed for all purposes of such lands, to serve and supply owners or occupants of other lands on said island, and to manage, control, operate and maintain such project in accordance with the provisions of this Act. It shall have the power to contract with the government of the United States of America or any bureau or agency thereof with regard to the construction or the financing of such system.

The board shall have power to fix, charge and collect water

rates for service from such water system to defray the cost of operation, maintenance, and improvement of such system and to reimburse the cost of the construction and improvement of such system to the Territory of Hawaii. It shall also have the right to acquire by eminent domain, water and water sources, either above or underground, water sheds, reservoir sites, rights of way over lands and property for paths, trails, roads and landing sites, ditches, tunnels, flumes, reservoirs and pipe lines necessary or proper for the construction and maintenance of a system for conveying, distributing and transmitting water for irrigation and domestic use and for such other purposes as may properly fall within the scope of its activities in creating, managing, controlling, operating and maintaining an irrigation and water utilization system. Such right of eminent domain shall be exercised in the manner and under the procedure provided by law for irrigation corporations, with the additional right to enter into possession, provided by section 68 of the Revised Laws of Hawaii 1935, as amended. It shall also have such powers as may be necessary or proper to the full exercise of the powers hereinabove enumerated.

[Sec. 1681.03.] Section 3. [**Special fund for operation of water system.**] The board shall pay all receipts and revenues received by it from the operation of said irrigation and water utilization system into a special fund in the territorial treasury. Such fund shall be used and expended for the following purposes:

(a) For the payment of the operating and maintenance costs of the system; and

(b) For reimbursement to the Territory, (1) upon the date when any interest payment becomes due upon any bond issued under this Act, the amount of the interest then due, and (2) on or before November 20th of each year the amount of the principal of such bonds maturing the following year; and

(c) For repairs, replacements, additions and extensions.

It is the intent of this Act that the rates fixed and charged shall be as low as is reasonably necessary to meet the above costs and the requirements of section 6 of this Act and remain within the ability of the lessees of the Hawaiian Homes Commission to pay.

[Sec. 1681.04.] Section 4. [**Homestead lessees to have preference.**] The lessees of the Hawaiian Homes Commission shall have the right to have their water needs, domestic and agricultural, first satisfied before any water shall become available for sale to any other person or persons, and, in the event that there is no surplus over and above the needs of said

lessees, then said lessees shall be entitled to have the whole thereof.

[Sec. 1681.05.] Section 5. [Appropriation; bond issue; expenditures.] There is hereby appropriated out of any moneys hereafter received by the territorial treasurer for or on account of loan funds, the sum of two million five hundred thousand dollars (\$2,500,000.00), or so much thereof as may be necessary, to carry out the purposes of this Act, and serial bonds may from time to time be issued, as provided by law, as and when necessary to provide funds adequate to carry out the purposes of this Act, and in a total amount of not more than two million five hundred thousand dollars (\$2,500,000.00).

The proceeds of the sale of such bonds shall constitute a separate fund to be known as the "Molokai Irrigation System Fund". The treasurer of the Territory, with the approval of the governor, is authorized to make temporary use of any portion or all of the money herein appropriated, not immediately needed for construction and operation of said system for the purpose of paying warrants drawn on the treasury for current indebtedness of the Territory, or for deposit in the territorial sinking fund for the repayment of bonds, or for investment in territorial bonds, provided that sufficient of the sums so taken, deposited, or invested shall be redeposited to the credit of the Molokai Irrigation System Fund prior to the time when any engagement for the payment from said fund shall fall due.

The moneys herein appropriated shall be expended upon warrants drawn by the auditor upon vouchers approved by the board and signed by the chairman.

In connection with the construction or operation or maintenance of such project the board is authorized to utilize such contributions of labor, materials and property, including money, as may be allocated or otherwise made available by any person or instrumentality whatsoever, if in the judgment of the board the acceptance thereof will not limit the scope of construction or operation of the project provided for by this Act.

Money received and accepted under this section shall be available for expenditure for the purposes for which contributed in like manner as if said sums had been specifically appropriated for said purposes.

Any provision of this Act or any other territorial law to the contrary notwithstanding, it is expressly provided that, in the event that it is found possible to secure Federal funds made available under any Act of Congress to be expended in connection with or for the construction of the project authorized

by this Act, the board shall have the power to enter into such undertakings with the proper officers or agencies of the Federal government, agree to such conditions, and do and perform such other acts and things as may be necessary, or be required by such Acts of said Congress or any regulations or requirements of the Federal government, as a condition to securing such Federal funds for such project.

Any other provision of law to the contrary notwithstanding, any bonds issued under this Act may, with the approval of the governor, be deposited with and pledged to, or be otherwise disposed of to, the United States or any board, agency or instrumentality of the United States government, to secure the repayment, or in actual payment, of any loans or advances made or to be made, under any Act or Acts of the Congress of the United States authorizing such loans or advances, by the United States or any such board, agency or instrumentality to the Territory for the construction, in whole or in part, of the project authorized under this Act or the cost of which, or any portion thereof, would be payable or could legally be paid, out of the proceeds of such bonds if sold.

[Sec. 1681.06.] Section 6. [**Development period; charge for water.**] The board shall fix a development period for said project of not to exceed ten years from and including the first calendar year in which water is delivered for the lands in said project, and during said development period water shall be delivered to the lands in said project at a charge per acre-foot of water or other charge, to be fixed by the board each year, as will, in the board's judgment, return over the full development period only the cost of operating and maintaining the project during said period plus the amounts necessary under section 3 (b) to reimburse the Territory.

[Sec. 1681.07.] Section 7. [**Lands and water rights to be secured.**] No actual construction of the physical features of said project shall be undertaken unless (1) lands or interests in lands deemed by the board to be necessary for the construction and operation of the major features of the project works have been secured, or negotiations therefor have been initiated and it is indicated that said lands or interests in lands can be secured, at prices satisfactory to said board; and (2) the board has found (i) that water rights adequate for the purposes of said project have been acquired with titles and at prices satisfactory to said board or have been initiated and can be perfected in conformity with the law of the Territory and in a manner satisfactory to said board, and (ii) that such water rights can be utilized for the purposes of said project in a manner satisfactory to the board.

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[Sec. 1681.08.] Section 8. [Rules and regulations.] The board is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this Act into full force and effect.

[Sec. 1681.09.] Section 9. [Initial appropriation.] The sum of ten thousand dollars (\$10,000.00) is hereby appropriated out of the general revenues of the Territory for initial expenses of the board, including, but not limited to, expenses of preliminary surveys and investigations, engineering and employment of assistants and employees thereof. Such moneys shall be expended upon warrants issued by the auditor upon vouchers approved by the chairman of the board.

[Sec. 1681.10.] Section 10. [Effective date.] This Act shall take effect upon its approval, provided that, if ratification hereof is necessary by Congress in order to validate the issuance of the bonds herein provided for, then this Act shall take effect immediately upon the taking effect of legislation by the Congress of the United States approving and authorizing the issuance of bonds of such character and in such manner as is provided by this Act or ratifying the action hereby taken by the legislature of said Territory, or both.

(Approved May 18, 1943.) H.B. 249, Act 227.

Title VIII. PUBLIC WORKS.

CHAPTER 58. FEDERAL AID HIGHWAYS ACT.

[A-47] An Act Providing for a Revolving Fund, to be Known as the Highway Supplies and Equipment Account, for the Department of Public Works in Connection With Work on Highways.

Be It Enacted by the Legislature of the Territory of Hawaii:

[Sec. 1723.] Section 1. [Creation of highway supplies and equipment account.] There is hereby created in the treasury of the Territory for the department of public works a revolving fund to be known as the "highway supplies and equipment account". All moneys received from the United States gov-

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ernment or from other sources for materials and supplies used, or for the use or rental of equipment, on highway projects financed in whole or in part with funds from the government of the United States, shall be deposited in said account. In the event that the United States government or any department or agency thereof, shall use or take on lease from the department of public works or territorial highway department, any road building or road maintenance equipment for use on other than highway projects, any compensation or rental paid to the Territory for such use or taking shall likewise be deposited in said fund.

[Sec. 1724.] Section 2. [Use of fund.] The moneys in said fund are appropriated, and may be expended, by the superintendent of public works, either in that capacity or in his capacity as territorial highway engineer, for the purchase of materials, supplies and new equipment, or the repair of equipment, to be used on or in connection with, the construction, repair and maintenance of highways in the Territory.

[Sec. 1725.] Section 3. [Use of other funds not affected.] Nothing in this Act contained shall be construed to amend, or restrict the funds to be expended under, any other law appropriating or authorizing the expenditure of other moneys by the department of public works or the territorial highway department.

Section 4. This Act shall take effect upon its approval.

(Approved April 21, 1943.) S.B. 147, Act 48.

CHAPTER 59. HARBORS.

BOARD OF HARBOR COMMISSIONERS.

[A-48] An Act to Amend Section 1742-D of the Revised Laws of Hawaii 1935, as Enacted by Act 142 of the Session Laws of Hawaii 1941, Relating to the Harbor Board Special Fund.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 1742-D** of the Revised Laws of Hawaii 1935, as enacted by Act 142 (Series A-52) of the Session Laws of Hawaii 1941, is hereby amended by adding a period after the word "salaries" in line 2 thereof, and deleting the remainder of said section.

Section 2. This Act shall take effect upon its approval.

(Approved April 30, 1943.) S.B. 146, Act 97.

**CHAPTER 60. SPECIFIC DUTIES OF
SUPERINTENDENT.**

EXPLOSIVES, STORAGE OF.

[A-49] An Act Amending Chapter 60, Revised Laws of Hawaii 1935, as Amended, by Repealing Section 1772, Relating to the Testing of Kerosene.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 60, Revised Laws of Hawaii 1935, is hereby further amended by repealing section 1772 thereof.

Section 2. This Act shall take effect upon its approval.

(Approved May 4, 1943.) H.B. 303, Act 126.

Title IX. TAXATION.

**CHAPTER 61. ADMINISTRATION AND
REAL PROPERTY TAX.**

GENERAL PROVISIONS.

[A-50] An Act Relating to Tax Returns, Making Certain Acts in Connection Therewith a Misdemeanor; Providing a Penalty Therefor, and Amending the Law to Conform to This Act.

Be It Enacted by the Legislature of the Territory of Hawaii:

[Sec. 1911.01.] Section 1. [Returns to be required.] Every return required to be made for taxation purposes shall be signed by the person required to make such return or by some duly authorized person in his behalf.

[Sec. 1911.02.] Section 2. [Form when signed by another.] The tax commissioner may require that, if any person or persons actually prepare or sign a return for another person, such form of statement of such facts and of authority to sign such return as may be prescribed by the commissioner shall be signed by such person so preparing or signing the return, and the commissioner may by regulation define the classes of persons to whom this provision shall apply.

[Sec. 1911.03.] Section 3. [Oath not required.] Any other provision of law to the contrary notwithstanding, no oath shall be required upon any tax return.

[Sec. 1911.04.] Section 4. [Penalty for false return or statement.] Any person who shall make any false or fraudulent return or false statement in any return, with intent to defraud the Territory or to evade the payment of any tax or any part thereof, or who shall, in any manner, intentionally deceive or attempt to deceive the commissioner or his authorized agent in relation to any such tax, shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000.00 or to imprisonment for a term not exceeding one year, or both, in the discretion of the court.

Section 5. All laws or parts of laws inconsistent with this Act are hereby amended to conform to this Act.

Section 6. This Act shall take effect upon its approval.

(Approved February 26, 1943.) S.B. 2, Act 4.

[Sec. 1921, amended by Section 2 of Act 151, infra, page 74.]

EXEMPTIONS.

[A-51] An Act to Amend Chapter 61 of the Revised Laws of Hawaii 1935, Relating to Real Property Taxes.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 1976 of chapter 61 of the Revised Laws of Hawaii 1935, as amended by Act 211 (Series A-39) of the Session Laws of Hawaii 1939, and by Acts 143 (Series A-58) and 131 (Series A-59) of the Session Laws of Hawaii 1941, is hereby further amended in the following respects:

(a) By amending paragraph "1" thereof by adding at the end of said paragraph a proviso to read as follows:

"provided, further, that real property belonging to the United States shall be taxed if and when the Congress of the United States shall so permit, to the extent so permitted and in accordance with any conditions or provisions prescribed in such act of Congress."

(b) By amending paragraph "2" thereof to read as it read prior to the amendment made by said Act 143 (Series A-58) of the Session Laws of Hawaii 1941, to-wit, as follows:

"2. Real property under lease to the Territory or any

county under which lease the lessee is required to pay the taxes upon such property;”.

Section 2. This Act shall take effect upon its approval.

(Approved May 12, 1943.) **S.B. 203, Act 165.**

[A-52] An Act Relating to Taxation and Amending Sections 1977 and 1921 of the Revised Laws of Hawaii 1935, as Amended, Relating to Real Property Taxes.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 1977** of the Revised Laws of Hawaii 1935, as amended, is hereby further amended in the following respects:

(a) By adding thereto a new paragraph reading as follows:

“60. The property of the Kokokahi Community Trust, an eleemosynary corporation. Key to taxation map: 1st division, zone 4, section 5, plat 31, parcels 25, 26, 49 to 56 inclusive, 58 to 61 inclusive, and 73 to 77 inclusive; provided, however, that this property is used only for eleemosynary purposes.”

(b) By adding thereto a new paragraph reading as follows:

“61. The property at Nuuanu Avenue and Bates Street, Honolulu, owned by the Sacred Hearts Academy, so long as the same is used only for educational or hospital purposes.”

(c) By adding thereto a new paragraph reading as follows:

“62. The property at Wailuku, Maui, owned by the St. Anthony Girls’ School, so long as the same is used only for educational or hospital purposes.”

(d) By amending the proviso to item 27 thereof to read as follows:

“provided, however, that this property is used for no other than educational or hospital purposes.”

Section 2. **Section 1921** of the Revised Laws of Hawaii 1935, as amended, is hereby further amended by amending the schedule lettered (a) to (d), both inclusive, setting the maximum for the several counties in item (10) under column III of the budget, to read as follows:

“(a) The city and county of Honolulu, the sum
of\$4,000,000.00
(b) The county of Maui, the sum of..... 770,000.00
(c) The county of Hawaii, the sum of..... 1,200,000.00
(d) The county of Kauai, the sum of..... 550,000.00.”

Section 3. Section 1 of this Act shall take effect upon its approval, and the exemptions thereby granted shall be retroactive to January 1, 1943, provided the owners of the property involved shall file claims for such exemptions before June 30, 1943. Section 2 of this Act shall take effect as of January 1, 1943, subject however, to the provisions of Act 236 of the Session Laws of Hawaii 1941.

(Approved May 11, 1943.) **H.B. 66, Act 151.**

CHAPTER 63A. CONSUMPTION TAX LAW.

[A-53] An Act Relating to Taxation; to Amend Act 160 of the Session Laws of Hawaii 1935, Known as the Consumption Tax Law, by Amending Sections 1, 7, 9, 10, 11, and 16 Thereof; Relating to the Coordination of Said Consumption Tax Law With Act 141 of the Session Laws of Hawaii 1935, as Amended, and to Returns, Records, Investigations, Audits, Assessments, and Appeals; and Providing for Refunds of Consumption Taxes Out of the "Gross Income Tax Reserve Fund" Provided for by Said Act 141 of the Session Laws of Hawaii 1935, as Amended.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Act 160 (Series A-43) of the Session Laws of Hawaii 1935, is hereby amended in the following respects:

(a) By amending paragraph (8) of [Sec. 2008a] section 1 thereof to read as follows:

"(8) 'General excise tax law' means Act 141 of the Session Laws of Hawaii 1935, as amended from time to time."

(b) By amending [Sec. 2008g] section 7 thereof by adding at the end thereof a new paragraph, reading as follows:

"On or before March 20 in each year any taxpayer who has become liable to the payment of tax both under this Act and also under the general excise tax law, during the preceding calendar year or during the preceding tax year (if the taxpayer has established a tax year other than the calendar year for general excise tax purposes, pursuant to section 10 of the general excise tax law), shall file a return summarizing his tax liability under this Act for such year, in such form

as the commissioner shall prescribe, and shall file the same with his annual return of general excise taxes."

(c) By amending section 9 thereof to read as follows:

[**Sec. 2008i.**] "Section 9. **Audits; additional assessments; refunds.** All of the provisions of sections 7, 8, 8-A and 22-A of the general excise tax law are hereby made applicable to the taxes imposed by this Act, to the refunding of overpayments thereof, and to assessments, investigations and audits in connection therewith, for which purpose any references therein to 'gross income' or 'gross proceeds of sale' shall be deemed to refer to the values subject to tax under this Act, and any references to the 'annual return' shall, if the taxpayer is not required to file an annual return under this Act, be deemed to refer to the monthly return mentioned in the first paragraph of section 7." [L. 1935, c. 160, s. 9; am. L. 1943, c. 164, pt. of s. 1.]

(d) By amending section 10 thereof to read as follows:

[**Sec. 2008j.**] "Section 10. **Appeal; correction of assessment.** If any person having made the return and paid the tax as provided by this Act feels aggrieved by the assessments so made upon him by the tax commissioner, he may appeal from said assessment in the manner and within the time and upon giving notice in writing stating his grounds of appeal to the person specified in section 2045 of the Revised Laws of Hawaii 1935. Where final judgment is in favor of the taxpayer for the repayment to him in whole or in part of taxes paid and no appeal has been perfected therefrom, the auditor of the Territory shall, upon the presentation by the taxpayer to him of a certified copy of said final judgment, issue his warrant in payment of said judgment in the form prescribed by the Revised Laws of Hawaii 1935, section 594, on the territorial treasury which shall be payable out of the 'gross income tax reserve fund' created by the general excise tax law, provided, the taxpayer, may, at his election, apply an overpayment credit to taxes subsequently accruing hereunder." [L. 1935, c. 160, s. 10; am. L. 1943, c. 164, pt. of s. 1.]

(e) By amending [**Sec. 2008k**] section 11 thereof by striking out the word "three", which appears in the fourth line of said section, and by inserting in lieu thereof the word "five".

(f) By amending [**Sec. 2008p**] section 16 thereof by deleting from the tenth line thereof the words and figures "8, 20 and 22", and by inserting in lieu thereof the following:

"7, 8, 8-A, 20, 22, and 22-A".

Section 2. This Act shall take effect upon its approval, provided, however, that this Act shall not become law unless and until House Bill No. 15 of the present session of the

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legislature is enacted; subsections (a), (c) and (d) of section 1 shall apply to all taxes which have accrued since the inception of this Act, as well as taxes hereafter accruing; provided, that no interest shall accrue for the period during which any assessment was barred under the consumption tax law as it stood prior to the amendments made by this Act; provided, further, that wherever reference is made in the consumption tax law, as amended by this Act, to section 22-A of the general excise tax law, said section 22-A shall be deemed to be effective for the purposes of the consumption tax law whether or not it has taken effect for general excise tax purposes.

(Approved May 12, 1943.) **S.B. 244, Act 164.**

**CHAPTER 64A. GENERAL EXCISE TAX
LAW.**

[A-54] An Act to Amend Act 141 (Series A-44) of the Session Laws of Hawaii 1935, known as the General Excise Tax Law, with Respect to the Tax on Contractors and Other Taxpayers in Connection with Federal Cost-Plus Contracts, and with Respect to the Measure of the Tax on Retailers and Wholesalers of Liquor.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Act 141 (Series A-44) of the Session Laws of Hawaii 1935, as amended, is hereby further amended in the following respects:

(a) By amending subsection (14) of [Sec. 2025A] section 1, as amended by Act 265 (Series A-64) of the Session Laws of Hawaii 1941, by adding at the end thereof a new sentence to read as follows:

“‘Federal cost-plus contractor’ means a contractor having a contract with the United States or an instrumentality thereof, where, by the terms of the contract, the United States or such instrumentality agrees to reimburse the contractor for the cost of material, plant or equipment used in the performance of the contract and for taxes which the contractor may be required to pay with respect to such material, plant or equipment, whether the contractor’s profit is computed in the form of a fixed fee or on a percentage basis; and also means a sub-contractor under such a contract, who also operates on a cost-plus basis.”

(b) By amending subsection B of division 1 of [**Sec. 2025B**] section 2, by adding thereto a new paragraph to be numbered (6), and to read as follows:

“(6) Provided, further, that a taxpayer selling to a federal cost-plus contractor may make the election provided for by paragraph (3) of subsection C, and in any such case the tax shall be computed pursuant to the election, notwithstanding any provision of this subsection or subsection A to the contrary.”

(c) By amending subsection C of division 1 of [**Sec. 2025B**] section 2, by adding thereto a new paragraph to be numbered (3) and to read as follows:

“(3) Provided, further, that in computing the tax levied under this subsection C against any federal cost-plus contractor, there shall be excluded from the gross income of the contractor so much thereof as fulfills the following requirements:

(a) The gross income exempted shall constitute reimbursement of costs incurred for materials, plant or equipment purchased from a taxpayer licensed under this Act, not exceeding the gross proceeds of sale of such taxpayer on account of the transaction.

(b) The taxpayer making the sale shall have certified to the commissioner that he is taxable with respect to the gross proceeds of the sale, and that he elects to have the tax on such gross income computed as if the sale were made to the federal government direct.”

Section 2. Subsection 2 of [**Sec. 2025D**] section 4 of Act 141, Session Laws of Hawaii 1935, is hereby amended by deleting the period at the end of part (t) thereof and inserting in lieu thereof a semi-colon and adding thereafter a new part to read as follows:

“(u) The amounts collected by retailers and wholesalers as a tax on liquor imposed by the provisions of Act 222, Session Laws of Hawaii 1939.”

Section 3. This Act shall take effect upon its approval.

(Approved April 29, 1943.) **S.B. 96, Act 81.**

[**A-55**] An Act to Amend Section 22 of Act 141 of the Session Laws of Hawaii 1935, as Amended, Concerning Records to Be Kept, and to Add to Said Act a New Section Relative to Limitation Periods.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 22 [**Sec. 2025v**] of Act 141 of the Session

Laws of Hawaii 1935, as amended by section 2 of Act 202 of the Session Laws of Hawaii 1937, is hereby further amended by deleting the word "three" in the third line of said section and inserting in lieu thereof the word "five".

Section 2. Act 141 of the Session Laws of Hawaii 1935, as amended, is hereby further amended by adding a new section thereto to be numbered and to read as follows:

[Sec. 2025v1.] "Section 22-A. **Limitation period for assessment, levy, collection, or refunding of taxes.** (1) General rule. The amount of excise taxes imposed by this Act shall be assessed or levied within five years after the annual return was filed and no proceeding in court without assessment for the collection of any such taxes shall be begun after the expiration of such period.

(2) Exceptions; fraudulent return or no return. In the case of a false or fraudulent return with intent to evade tax, or of a failure to file the annual return, the tax may be assessed or levied at any time; provided, however, that in the case of a return claimed to be false or fraudulent with intent to evade tax, the determination as to such claim must first be made by a judge of the circuit court as provided in section 2050, paragraph 2, of the Revised Laws of Hawaii 1935, which shall apply to the taxes imposed by this Act.

(3) Extension by agreement. Where, before the expiration of the period prescribed in subsection (1) of this section, both the tax commissioner and the taxpayer have consented in writing to the assessment or levy of the tax after the date fixed by said subsection (1), the tax may be assessed or levied at any time prior to the expiration of the period agreed upon. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

(4) Refunds. No credit or refund shall be allowed more than five years after the annual return was filed, or in any case of payment of tax without the filing of an annual return, more than five years after such payment of tax, unless a claim for such credit or refund was filed within such period. Provided, that such limitation shall not apply to a credit or refund pursuant to an appeal, provided for by section 9."

Section 3. This Act shall take effect upon its approval except section 2, which shall take effect six months thereafter; provided, however, that this Act shall not become law unless and until Senate Bill No. 244 of the present session of the legislature is enacted.

CHAPTER 65. INCOME TAX.

[A-56] An Act Providing That Perquisites of Employees Shall Not Be Construed to Be Gross Income or Compensation.

Be It Enacted by the Legislature of the Territory of Hawaii:

[Sec. 2030A.] Section 1. [Definitions.] (a) The term "perquisites", as used in this Act, means living accommodations, board, laundry, fuel, light, heat, medical care, and the like, furnished to an employee by an employer where (1) the furnishing thereof is for the bona fide convenience of the employer (whether or not the furnishing thereof is also an inducement to the employment), and (2) the employee has no election to receive cash payments in lieu thereof.

(b) The term "payments in lieu of perquisites" refers to payments made at the option of the employer where the employer generally furnishes perquisites to the class of employee involved and the making of payments in lieu thereof is exceptional.

[Sec. 2030B.] Section 2. [Perquisites not included in gross income or compensation.] Perquisites received by any employee, or payments in lieu of perquisites made to an employee, shall not be construed to be "gross income" or "compensation" under the provisions of chapter 65, Revised Laws of Hawaii 1935, as amended, or of chapter 69A of the Revised Laws of Hawaii 1935, as amended.

Section 3. This Act shall take effect upon its approval.

(Approved April 29, 1943.) **S.B. 37, Act 80.**

[A-57] An Act Relating to Taxation; Amending Chapter 65 of the Revised Laws of Hawaii 1935, Relating to Net Income Tax; Repealing Chapter 68 of the Revised Laws of Hawaii 1935, Relating to Poll Tax; and Amending Chapter 69 A of the Revised Laws of Hawaii 1935, Relating to Public Welfare Tax, by Changing the Name of Said Tax to "Compensation and Dividends Tax", Increasing the Rate Thereof, Providing for the Disposition of the Proceeds of Said Tax, and Making Other Amendments.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 65 of the Revised Laws of Hawaii 1935, as amended, is hereby further amended in the following respects:

(a) By adding thereto a new section to be numbered 2032 A, to read as follows:

“**Sec. 2032 A. Credits against tax.** 1. There shall be credited against the tax imposed by this chapter seventy-five per cent of the amount of any tax imposed by chapter 69 A, which has been withheld from, or paid by or on behalf of the taxpayer, with respect to any compensation or dividends included in the return as gross income subject to tax. In the event the tax credit exceeds the tax imposed by this chapter the amount of such excess nevertheless shall not be refunded.

“2. In the case of a partnership, estate, or trust, the return thereof shall show the total tax credit and the proportionate share of such tax credit of each partner or beneficiary. Each such partner or beneficiary shall be entitled to deduct his proportion of the tax credit of the partnership, estate, or trust, for the taxable year ending coincidental with or within his own taxable year, and the amount of tax credit so allowed to a beneficiary shall not be enjoyed by the estate or trust.”

[**Sec. 2034**, amended by Acts 35 and 167, *infra*, pages 86 to 87.]

(b) By amending paragraph 4 of **section 2040** to read as follows:

“4. **Individual returns.** Except as hereinafter provided, every individual having a net income over and above the exemptions allowed by section 2034, subdivision 2, for the taxable year of one dollar or over, and every individual, whether or not he *have* any such net income, doing ‘business’ in the Territory as that term is defined by Act 141 of the Session Laws of Hawaii 1935 (as heretofore or hereafter amended), shall make a return which shall be authenticated by the signature of the individual or his authorized agent under the penalties provided by Act 4 of the Session Laws of Hawaii 1943, stating specifically the items of his gross income and the deductions and credits allowed under this chapter. Provided that an individual having an exemption of at least one thousand dollars (\$1,000.00) and gross income not exceeding four thousand dollars (\$4,000.00), which, with the exception of fifty dollars (\$50.00) or less, consists solely of compensation and dividends on which the two per cent tax has been withheld or paid under chapter 69 A, shall not be required to make a return; provided, further, that the commissioner, by regulation, may exempt individuals from filing returns in other cases in which the tax credit allowed by section 2032 A equals or exceeds the net income tax.”

[sic]

(c) By adding to **section 2041** a new paragraph to be numbered and to read as follows:

"3. The commissioner may, by regulation, provide for the filing of information returns by employers as to compensation which is not subject to the withholding of two per cent tax under chapter 69 A and is taxable under this chapter, as may be required for the administration of this chapter."

(d) By renumbering the present paragraph 3 of **section 2041**, to become paragraph 4.

Section 2. Chapter 69 A of the Revised Laws of Hawaii 1935, enacted by Act 213 (Series A-73) of the Session Laws of Hawaii 1941, is hereby amended in the following respects:

(a) By amending paragraph (d) of section 1 [**Sec. 2148.01**] to read as follows:

"(d) 'Dividends' means any distribution, whether in money or in other property, made by a local or foreign company (except a national bank), to its shareholders or holders of an interest therein on account of ownership of such shares or interests, out of its earnings or profits, except liquidating dividends paid out of earnings or profits accumulated, or increase in value of property accrued, before January 1, 1943. Every distribution shall be deemed to have been made out of earnings or profits to the extent thereof, and from the most recently accumulated earnings or profits. For the purposes of this paragraph a liquidating dividend shall be deemed to mean a distribution made as part of a plan to cease doing business and to wind up the affairs of the company."

(b) By amending section 2 to read as follows:

[**Sec. 2148.02.**] "Sec. 2. **Short title of chapter.** This chapter may be cited as the 'Compensation and Dividends Tax Law.'" [L. 1933, c. 209, s. 2; R.L. 1935, Chap. IV, Appendix, s. 2; am. L. 1935, c. 135, pt. of s. 1; am. L. 1941, c. 213, pt. of s. 1; am. L. 1943, c. 100, pt. of s. 2.]

(c) By amending section 3 [**Sec. 2148.03**] in the following respects:

(1) By amending the caption to read as follows: "Tax on compensation; exemptions."

(2) By deleting from subsection (a) the words "fifteenth of one per cent (or such other rate as shall be fixed pursuant to this chapter)" and by inserting in lieu thereof the following:

"two per cent".

(3) By inserting after the comma in the last line of subsection (b) the following:

"or (4) paid as a pension for past services,".

(d) By amending section 4 [**Sec. 2148.04**] by changing the

period at the end of the first sentence to a semi-colon, and by adding immediately after the semi-colon the following:

“provided that the commissioner may grant permission to make returns and payments on a quarterly basis, as provided in section 5.”

(e) By amending section 5 [Sec. 2148.05] in the following respects:

(1) By designating the first sentence thereof as subsection (a), by changing the period at the end thereof to a semi-colon, and by adding immediately after the semi-colon the following:

“provided, further, that the commissioner may grant permission to employers having a pay roll of not more than one thousand two hundred fifty dollars (\$1,250.00) per quarter, to make returns and payments on a quarterly basis, such returns and payments to be made within twenty days after the close of each quarter, to wit, on or before April 20, July 20, October 20, and January 20.”

(2) By inserting a new subsection (b), to read as follows:

“(b) Every employer required to deduct and withhold any tax on the compensation of any employee shall furnish to each such employee in respect of his employment during the calendar year, on or before January 31 of the succeeding year, or, if his employment is terminated before the close of such calendar year, on the day on which the last payment of compensation is made, a written statement, showing the period covered by the statement, the compensation paid by the employer to such employee during such period, and the amount of the tax deducted and withheld or paid in respect of such compensation. Each such employer shall include with his final return for the calendar year, or shall file on or before January 31, a duplicate copy of each such statement. The commissioner may grant to any employer a reasonable extension of time (not in excess of 60 days) with respect to any statement required by this subsection to be furnished to an employee or filed, and may by regulation provide for the furnishing or filing of statements at such other times and containing such other information, as may be required for the administration of this chapter or chapter 65. The commissioner shall prescribe the form of the statement required by this subsection and may adopt any federal form appropriate for the purpose.”

(3) By designating the last sentence of said section 5 as subsection (c).

(f) By amending section 8 [Sec. 2148.08] in the following respects:

(1) By inserting in the thirtieth line thereof (being the seventh line of print from the bottom of page 118 of the Session Laws of Hawaii 1941), between the word "quarterly" and the word "returns", the following:

"or semi-annual".

(2) By inserting in the thirty-first line thereof (being the sixth line of print from the bottom of page 118 of the Session Laws of Hawaii 1941), between the word "and" and the word "annual", the following:

"semi-annual or".

(g) By amending section 9 to read as follows:

[Sec. 2148.09.] "Sec. 9. **Tax on dividends.** There shall be assessed, levied, collected and paid for each month a tax of two per cent upon the amount of all dividends paid during the month by any local company, or received during the month from any company, local or foreign, provided that the tax shall be paid only once with respect to the same dividend." [L. 1933, c. 209, s. 9; R.L. 1935, Chap. IV, Appendix, s. 9; am. L. 1939, c. 252, pt. of s. 3; am. L. 1941, c. 213, pt. of s. 1; am. L. 1943, c. 100, pt. of s. 2.]

(h) By amending section 10 [Sec. 2148.10] in the following respects:

(1) By designating the first two sentences thereof as subsection (a).

(2) By inserting two new subsections to be numbered and to read as follows:

"(b) Every local company shall be liable for the payment of the tax required to be deducted and withheld by it, whether or not such tax is so withheld."

"(c) Every local company, when required by the commissioner, shall furnish him a statement covering the period prescribed by him, showing its payments of dividends, the name and address of each shareholder during such period, the number of shares owned by him, amount of dividends paid to him, and the tax deducted and withheld in respect of such dividends. The commissioner shall prescribe the form of the statement required by this subsection and may adopt any federal form appropriate for the purpose."

(3) By designating the last sentence of said section 10 as subsection (d) thereof, and by amending the same to read as follows:

"(d) Any company violating any of the provisions of this section shall be guilty of a misdemeanor."

(i) By amending the first paragraph of section 17 thereof to read as follows:

[Sec. 2148.17.] "Sec. 17. **Disposition of proceeds; refunds; public welfare fund.** (a) If it shall be shown, upon application of an employee or shareholder, that there has been withheld from his compensation or dividends tax not due thereon or more than the amount of tax due thereon, the amount found to have been overpaid or otherwise not due shall be refunded out of current collections of the tax, provided the commissioner shall be satisfied: (1) that the amount so overpaid or otherwise not due has been paid to the Territory; (2) that the amount of refund claimed has not been used as a credit against net income tax; and (3) that application for such refund was filed within six months after the end of the calendar year in which the amount to be refunded was withheld.

"(b) The net tax collections remaining after the refunds authorized by law shall be divided between the general fund of the Territory and the 'public welfare fund' hereby created, as follows: There shall be paid into the public welfare fund such amount of tax as represents tax collections of five-tenths of one per cent of the tax base, or six-tenths of one per cent of the tax base, as the case may be, dependent upon the rate determined to be required for public welfare purposes, as provided by law. The balance of such tax collections shall be paid into the general fund of the Territory."

Section 3. **Chapter 68** of the Revised Laws of Hawaii 1935 is hereby repealed.

Section 4. This Act shall not be construed as affecting in any manner, to the detriment of the Territory, any taxes, interest, fines, penalties, forfeitures or other liabilities, or obligations, existing, due or incurred prior to the effective date of this Act, nor as affecting the liability of any person to prosecution for any misdemeanor or other criminal offense committed prior to said effective date under any statutes hereby amended, repealed or superseded; and all such taxes, interest, fines, penalties, forfeitures, liabilities, obligations, misdemeanors and other offenses may be enforced, collected, prosecuted or punished, as the case may be, in the same manner, to the same extent and subject to the same conditions, as if this Act had not been enacted; provided (1) that all compensation paid for or attributable to personal services performed prior to July 1, 1943, and all dividends paid prior to said date, shall be subject to the rate prescribed by chapter 69 A of the Revised Laws of Hawaii 1935 prior to its amendment by this Act, and not to the increased rates prescribed by this Act; (2) that all taxes due and collected at the five-tenths of one per cent rate, or six-tenths of one per cent rate, shall be paid into the public welfare fund; (3) that

refunds of poll taxes due under chapter 68 of the Revised Laws of Hawaii 1935, as it read prior to its repeal, may be made out of current collections of poll taxes or current collections of compensation and dividends tax; (4) that the receipts and statements required by subsection (b) of section 5 of chapter 69 A of the Revised Laws of Hawaii 1935, as amended by this Act, shall include only such compensation paid during 1943 as is taxable at the two per cent rate; and (5) that the tax credit allowed by section 2032 A of chapter 65 of the Revised Laws of Hawaii 1935, as amended by this Act, shall be allowed only for taxes withheld or paid at the two per cent rate imposed by section 2 of this Act.

Section 5. If any section, sentence, clause or phrase of this Act, or its application to any person or circumstances, is for any reason held to be unconstitutional or invalid, the remaining portions of this Act, or the application of this Act to other persons or circumstances, shall not be affected. The legislature hereby declares that it would have passed this Act and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 6. This Act shall take effect on July 1, 1943.

(Approved April 30, 1943.) **H.B. 20, Act 100.**

[A-58] An Act to Amend Section 2034 of the Revised Laws of Hawaii 1935, Concerning Deductions From Gross Income.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Subsection (b) of paragraph 1 of **section 2034** of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

“(b) Charitable and other contributions. Contributions or gifts made within the taxable year by an individual or corporation to or for the use of the United States, the Territory, or any political subdivision thereof for exclusively public purposes, or to any corporation, company, association or trust, community chest fund or foundation, organized and operated exclusively for religious, charitable, scientific, literary or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual and where no

part of any contribution so received in the Territory is to be expended elsewhere than in the Territory, but in no event shall the amount of the deduction for such contributions exceed fifteen per centum of the net income of such individual or corporation as computed without the benefit of this paragraph; provided, however, that the requirement that the contribution be for expenditure within the Territory, shall not apply to any contributions for war relief where the corporation, company, association or trust, community chest fund or foundation is created or organized in the United States or in any possession thereof or under the laws of the United States or of any state or territory or possession thereof."

Section 2. This Act shall take effect upon its approval and shall apply to contributions made on and after January 1, 1943.

(Approved April 17, 1943.) **H.B. 158, Act 35.**

[A-59] An Act to Amend Chapter 65 of the Revised Laws of Hawaii 1935, as Amended, Relating to Income Tax, by Amending Section 2034 Thereof.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Paragraph (e) of subsection 1 of **section 2034** of chapter 65 of the Revised Laws of Hawaii 1935, as amended, is hereby further amended by adding at the end thereof the following:

"in the case of an individual, all the ordinary and necessary expenses paid or incurred during the taxable year for the production or collection of income, or for the management, conservation, or maintenance of property held for the production of income, provided, however, that only so much of such expenses may be deducted as are properly allocable to income taxable under this chapter;".

Section 2. This Act shall take effect upon its approval, but shall apply only to expenses paid or incurred during the taxable year 1943 and subsequently.

(Approved May 12, 1943.) **S.B. 262, Act 167.**

[Sec. 2044. See Act 4, *supra*, page 72.]

CHAPTER 66. INHERITANCE TAX.

[A-60] An Act Amending Chapter 66 of the Revised Laws of Hawaii 1935, Relating to Inheritance and Estate Taxes, Creating an "Inheritance Tax Reserve Fund", and Making an Appropriation Therefor.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 2060** of chapter 66 of the Revised Laws of Hawaii 1935 is hereby amended in the following respects:

(a) By amending the third paragraph thereof to read as follows:

"Without prejudice to the taxation of transfers pursuant to the first paragraph of this section and section 2085, by reason of retention by the decedent of a power to alter, amend, revoke or terminate, or a power to designate the persons who shall possess or enjoy the property or the income therefrom, or any other interest in the property, it is further provided that a transfer taxable under the provisions of this chapter shall be deemed to take place in the following situations, to the extent hereinafter set forth:

(a) Whenever the decedent has at the time of his death, or has relinquished in contemplation of death, a power of appointment, a power to augment income out of principal, or a power of sale or other disposition, to the extent that such power, at the time of decedent's death or such relinquishment, was exercisable for the benefit of the decedent, his estate, his creditors, or the creditors of his estate, provided, that such power shall be deemed to have existed at the time of decedent's death or such relinquishment, whether or not subject to a precedent giving of notice or the expiration of a stated period after the exercise thereof.

(b) Whenever the decedent has exercised in contemplation of death, or by a disposition intended to take effect in possession or enjoyment after his death, a power of the type set forth in subparagraph (a), to the extent that such power was exercisable (whether or not so exercised) for the benefit of the decedent, his estate, his creditors, or the creditors of his estate.

(c) In any case of an allowance made pursuant to section 4783, to the extent of (1) any payments made out of principal for a longer period than one year, unless such longer period is actually required to settle the estate, and in such event any such payments made for a longer period than eighteen months; or (2) any payments made out of principal in excess of the amount actually necessary for the main-

tenance and support of the persons for whom the allowance is made, according to their circumstances; provided, that for the purposes of the tax imposed by this section payments of such allowance shall be deemed to have been made out of principal only if and to the extent that the income of the estate accruing after death is insufficient to pay the same."

Section 2. **Section 2067** of chapter 66 of the Revised Laws of Hawaii 1935 is hereby amended by inserting a comma in the seventh line thereof, following the word "tax", and by inserting immediately after the comma, the following:

"or the part thereof which cannot be settled,".

Section 3. **Section 2071** of chapter 66 of the Revised Laws of Hawaii 1935, is hereby amended by adding thereto two new paragraphs, to read as follows:

"There shall be refunded, without interest, in the manner and subject to the time limitation hereinafter provided, any amount of tax paid to the treasurer in excess of the amount due under section 2060, whether such overpayment was due to a mistake of fact or a mistake of law, or arose out of a payment or payments made to the treasurer based upon an estimate of the amount of tax in advance of the actual calculation of the tax. An application for such refund must be made within five years after the payment, provided that, prior to the expiration of such period, the court, upon the petition of any interested person, may extend the time allowed for such application, where, through necessary litigation or other unavoidable cause of delay, the tax has not been finally determined. Unless the application is supported by the determination by the circuit judge of the amount of the tax, which determination has become final, no such refund shall be made unless the application is approved by the treasurer. No refund shall be made in any case unless the proposed refund shall have been properly audited and the legality thereof determined by the auditor acting in conjunction with the attorney general. When so authorized, refunds shall be made upon a requisition of the treasurer on the auditor, who shall issue his warrant for payment thereof out of the 'Inheritance Tax Reserve Fund' in the next succeeding paragraph hereof created.

There is hereby appropriated from the general revenues of the Territory the sum of five thousand dollars (\$5,000.00) which shall be set aside as a special fund to be known as the 'Inheritance Tax Reserve Fund', for the purposes hereinbefore set forth. The treasurer, in his discretion, from time to time, may deposit taxes collected by him under this chap-

ter to the credit of said fund, so that there shall be maintained at all times a fund of five thousand dollars (\$5,000.00)."

Section 4. **Section 2074** of chapter 66 of the Revised Laws of Hawaii 1935, as amended by Act 294 (Series A-70) of the Session Laws of Hawaii 1941, is hereby further amended in the following respects:

(a) By deleting that portion of the first sentence thereof which follows the semi-colon in the twelfth line of said section, and by changing the semi-colon to a period.

(b) By changing the comma in the twenty-fourth line to a period, and by deleting from the twenty-fourth and twenty-fifth lines the words "and the commissioner shall certify such value to the appraisers or judge as the case may be."

(c) By adding thereto a new paragraph to read as follows:

"The executor or administrator of the decedent's estate shall file a return in such form as the treasurer shall prescribe showing all property known to him, the transfer of which is subject to tax under the provisions of this chapter, whether or not the executor or administrator has such property in charge, with the deductions and exemptions applicable thereto, and such other information as the treasurer may require. The treasurer shall audit such return and shall have all of the powers granted to the tax commissioner for the making of audits and the determination of the correct amount of taxes, including, without prejudice to the generality of the foregoing, the power to examine, and require the production of, all account books, bank books, bank statements, records, vouchers, and other documents and evidences relevant to the determination of the tax under this chapter. From such return, and from the best information available, the treasurer shall make his determination of the values of all inheritances, devises, bequests, or other interests, and the taxes to which the same are liable; and the treasurer shall, by mail or otherwise, give notice thereof to the executor or administrator, and to any interested person who has filed a request for such notice with the treasurer; provided, that prior to the giving of the final receipt provided for by section 2083, or the entry of the order provided for in section 2076, as the case may be, the treasurer may redetermine such values and amounts of taxes; provided, further, that nothing in this section shall be deemed to impose any tax liability on the executor or administrator, other than as set forth in other provisions of this chapter."

Section 5. **Section 2076** of chapter 66 of the Revised Laws of Hawaii 1935, is hereby amended by adding thereto a new paragraph, to read as follows:

"On the application of the executor or administrator, the treasurer, or any interested party, or upon his own motion, and after due notice of the hearing thereon to the treasurer, to the executor or administrator, and to such other persons as the circuit judge shall order, in such manner as the judge shall direct, the judge shall by order assess and fix the value of any inheritance, devise, bequest, or other interest, and the tax to which the same is liable, whenever such value or tax is in dispute; provided that the entry of such order shall be without prejudice to further determinations of tax by the treasurer or the circuit judge, with respect to any property not included in the computations of values and amounts of taxes made by such order. Upon like application and notice, either as a part of the proceeding for determination of net values and taxes, or in a separate proceeding, the judge shall hear and determine any objection to the appraisers' report. In any proceeding provided for by this section or section 2077, the appraisers' report as to the gross values of the properties involved shall, if any party to the proceeding relies on said report, be presumed correct, and the treasurer's determination as to the net values of the interests taxed, and the tax thereon, shall, except to the extent in conflict with the appraisers' report, be presumed correct; in any such instance the burden of proof shall be upon the person objecting to such report or determination. The provisions of this paragraph shall be deemed to be without prejudice to the generality of the first paragraph of this section."

Section 6. Section 2083 of chapter 66 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

"Sec. 2083. Receipts. Any person or body politic or corporate shall be entitled to a receipt from the treasurer, or upon payment of the sum of fifty cents, to a copy of the receipt that may have been given by the treasurer, for the payment of any tax under this chapter, to be sealed with the seal of his office, which receipt shall designate by reference to the appraisers' report, inheritance tax return, order of the court, if any, or otherwise, on what property the tax has been paid, and by whom paid, and whether or not it is a final receipt for the tax on such property; and whenever the tax on any property has been paid in full, the treasurer shall issue a final receipt therefor. Any final receipt may be recorded in the clerk's office of the circuit court in which the estate was probated, in a book to be kept by the clerk for such purpose, which shall be labeled 'inheritance tax'." [L. 1905, c. 102, s. 21; R.L. 1935, s. 2083; am. L. 1943, c. 170, s. 6.]

Section 7. If any section, sentence, clause or phrase of

this Act, or its application to any person or circumstances is for any reason held to be unconstitutional or invalid, the remaining portions of this Act, or the application of this Act to other persons or circumstances, shall not be affected. The legislature hereby declares that it would have passed this Act and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 8. Effective date and application. This Act shall take effect upon its approval, provided, that the amendments made by section 1 of this Act shall apply only in cases of decedents dying after the effective date of this Act, and section 2060 of the Revised Laws of Hawaii 1935, as it stood prior to the amendments made by section 1 of this Act, shall apply in cases of decedents dying on or prior to the effective date of this Act.

(Approved May 12, 1943.) **S.B. 170, Act 170.**

CHAPTER 67. PERSONAL PROPERTY TAX.

[A-61] An Act to Amend Chapter 67 of the Revised Laws of Hawaii 1935, as Amended, and Act 29 (Series A-15) of the Special Session Laws of Hawaii 1941, Relating to Personal Property Taxes and the Disposition Thereof, and to Amend Any Other Laws Inconsistent Herewith to Conform to This Act.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 2102 of the Revised Laws of Hawaii 1935, as amended in toto by Act 172 (Series A-45) of the Session Laws of Hawaii 1937, and as further amended by Act 29 (Series A-15) of the Special Session Laws of Hawaii 1941, is hereby further amended to read as follows:

"Sec. 2102. Personal property tax; rate. (1) Except as exempted or otherwise taxed in lieu of personal property taxes, all personal property in each taxation division shall be subject to a tax each year upon its assessed value, arrived at as required by this chapter, at such rate per centum as shall be determined as follows:

"(2) The tax commissioner shall submit to the treasurer

in each such calendar year, on or before the 1st day of April, the aggregate amount of the value of all taxable personal property in each taxation division, as determined solely upon the basis of the returns of the taxpayers and the taxable values so returned by them for such taxable year.

"(3) The board of supervisors of each county shall prepare and submit to the treasurer of the Territory, on or before March 31 of each year, a statement of the amount of the county's requirements for such year in addition to those covered by all other revenues of the county, to be met by personal property taxes in the county, but not in excess of the amounts specified for each county in the following table:

City and county of Honolulu for 1943.....	\$2,000,000.00
City and county of Honolulu for 1944 and subsequent years.....	2,250,000.00
County of Maui.....	470,000.00
County of Hawaii.....	675,000.00
County of Kauai.....	400,000.00.

"Such statement shall be submitted in the budget provided for in section 1921. The treasurer shall, on or before May 10, determine the rate per centum at which the taxable personal property (valued upon the basis stated in paragraph (2)) in the taxation division concerned shall be taxed, in order to yield the amount of such county's personal property tax requirements for such year.

"(4) Such rate shall be reported in writing forthwith by the treasurer to the tax commissioner and the board of supervisors of the county concerned, and shall be the rate at which all personal property in the taxation division concerned shall be taxed for the current calendar year." [L. 1933-4, c. 9, s. 1; R.L. 1935, s. 2102; am. L. 1935, c. 153, s. 4; am. L. 1937, c. 172, s. 5; am. L. 1939, c. 188, s. 1; am. L. 1941, c. 236, s. 1; am. L. 1943, c. 152, s. 1.]

[Secs. 2105 and 2111. See Act 4, *supra*, page 72.]

Section 2. Section 2112 of said Revised Laws, as amended in toto by Act 172 (Series A-45) of the Session Laws of Hawaii 1937, and as further amended by Act 29 (Series A-15) of the Special Session Laws of Hawaii 1941, is hereby further amended to read as follows:

"Sec. 2112. Disposition of proceeds. All personal property taxes collected under this chapter shall be paid into the territorial treasury at such times as soon as practicable after collection as the treasurer shall direct. All such personal property taxes collected in any calendar year on personal property in each county (including delinquent taxes and taxes

collected by reason of assessments of omitted property, additional assessments, or the settlement of tax appeals, but not including personal property taxes for any year preceding the year 1933, the proceeds of which are disposed of pursuant to section 1922) shall be paid by the territorial treasurer to the county treasurer as soon as possible after receipt thereof, or shall be retained by the territorial treasurer, as the case may be, to the extent, in the manner, and for the purposes hereinafter set forth.

“(1) There shall be applied by the territorial treasurer on account of expenditures required by law to be so met out of such personal property tax collections, or paid to the county treasurer to be applied on account of the requirements of such county for such year, an amount not to exceed in the aggregate, (a) the amount set forth in item (11) of the budget provided for by section 1921, but not in excess of the amount for such county specified in section 2102, and (b) the amount of any deficiency in meeting the requirements of such county for the preceding calendar year as set forth in its budget for such year, whether such deficiency is caused by insufficient tax collections under chapter 61, or under chapter 64, or under this chapter, or under all three of said chapters, during such year; provided, that the provisions of section 1922 as to meeting such deficiencies out of collections of real property taxes, and of personal property taxes for years preceding 1933, shall have first been applied to meet such deficiency, to the extent of any insufficiency in the tax collections under chapters 61 or 64, or both said chapters; provided, further, that in case there was a deficiency in meeting the requirements of such county for the preceding calendar year, then any delinquent tax collections made during the current year of taxes assessed in prior years shall be expendable forthwith by the county on account of any obligations incurred or commitments made during such preceding year and not paid or met because of such deficiency in collections, and the territorial treasurer shall make any adjustments which may be necessary in order to comply with the provision of this paragraph that such deficiency, to the extent of any insufficiency in the tax collections under chapters 61 or 64, or both, shall first be met out of collections of real property taxes, and of personal property taxes for years preceding 1933.

“(2) The surplus, if any, in excess of the amounts disposed of by paragraph (1) shall be retained by the territorial treasurer and applied to meet the requirements of such county for the succeeding calendar year, and shall be deducted by him

from the amount (item (11) of the budget) which would otherwise be used by him in fixing the rate for the county for the succeeding calendar year pursuant to section 2102, thereby reducing the tax rate. If the amount set forth in item (11) of the budget shall be in excess of the amount for such county specified in section 2102, to be raised by personal property taxes, the territorial treasurer shall first reduce said amount to the amount of said tax rate limit as specified in section 2102, and shall then deduct from such reduced amount the amount of such excess collections pursuant to this paragraph. Such excess collections shall not be taken into consideration by the board of supervisors in submitting its budget for the succeeding calendar year.

"The taxes paid to each county under this section shall become general fund realizations, expendable as such, except as otherwise provided by law." [L. 1933-4, c. 9, s. 4; R.L. 1935, s. 2112; am. L. 1937, c. 172, s. 6; am. Sp. L. 1941, c. 29, pt. of s. 1; am. L. 1943, c. 152, s. 2.]

Section 3. Of the moneys made available for the county of Kauai under the provisions of this Act, the board of supervisors shall appropriate and make available for expenditure for maintenance of the water systems of said county the sum of \$10,000.00 during the year 1943 and a like sum during the year 1944.

Section 4. Act 29 (Series A-15) of the Special Session Laws of Hawaii 1941, is hereby further amended in the following respects:

(1) By amending section 2 thereof, relating to expenditures by the city and county of Honolulu, to read as follows:

"Sec. 2. Any balance of personal property tax moneys made available to the city and county of Honolulu for any year, not expended during such year, shall be carried forward and expended during any subsequent year, any other provision of the law to the contrary notwithstanding."

(2) By deleting from section 3 thereof, relating to expenditures by the county of Maui, item (4) relating to the Kihei Makena Road.

(3) By deleting from section 4 thereof, relating to expenditures by the county of Kauai, items (1) and (2) relating to salary increases of employees other than police officers, and allowances to pensioners; and by deleting the last two paragraphs of said section 4, and inserting in lieu thereof a new paragraph to read as follows:

"Any balance of moneys appropriated for items (3) to (5), inclusive, of this section, and not expended during the year 1942, shall be carried forward and expended during any sub-

sequent year for the purposes specified in said items and, in case the amount specified in any item shall not be expended or wholly expended for such items, then all unexpended amounts or balances of such amounts shall be deposited in a special fund and may be expended for any purpose."

(4) By amending section 5 thereof, relating to expenditures by the county of Hawaii, by substituting for the words "Out of this sum, the sheriff", in the fourth line of item (1) of said section, the words "Out of this sum and any additional amounts appropriated for the same purposes, the head of the police department".

Section 5. Of the moneys made available for the city and county of Honolulu under the provisions of this Act the board of supervisors shall appropriate and make available for expenditures by the Honolulu Police Department such an amount which, together with all other amounts required to be made available for said department by said board, shall aggregate for the year 1943 not less than one million two hundred three thousand two hundred ninety dollars (\$1,203,290.00), for the year 1944 not less than one million two hundred eighty-nine thousand one hundred ten dollars (\$1,289,110.00), and thereafter aggregating not less than one million two hundred eighty-nine thousand one hundred ten dollars (\$1,289,110.00) per annum plus the amounts necessary to meet all of the salary increases provided for by House Bill No. 2 of the 1943 session from and after December 31, 1944. This provision shall not restrict the authority of the board of supervisors to appropriate additional moneys for use by the police department.

Section 6. Of the moneys made available for the county of Maui under the provisions of this Act the board of supervisors shall appropriate and make available for expenditure by the Maui Police Department such an amount which, together with all other amounts required to be made available for said department by said board, shall aggregate for the year 1943 not less than two hundred five thousand dollars (\$205,000.00), for the year 1944 not less than two hundred ten thousand dollars (\$210,000.00), and thereafter aggregating not less than two hundred ten thousand dollars (\$210,000.00) per annum plus the amounts necessary to meet all of the salary increases provided for by House Bill No. 149 of the 1943 session from and after December 31, 1944. This provision shall not restrict the authority of the board of supervisors to appropriate additional moneys for use by the police department.

Section 7. This Act shall take effect as of January 1, 1943,

subject, however, to the provisions of Act 236 of the Session Laws of Hawaii 1941.

(Approved May 11, 1943.) **H.B. 262, Act 152.**

CHAPTER 68. POLL TAX.

[This chapter repealed by Section 3 of Act 100, supra, page 85.]

CHAPTER 69A. COMPENSATION AND DIVIDENDS TAX.

[Secs. 2148.01 to 2148.05, 2148.08 to 2148.11, 2148.17 to 2148.19, amended by Acts 4 and 100, supra, pages 72 and 80.]

[A-62] An Act Relating to the Department of Public Welfare and the Appropriations Therefor; Amending Chapters 69A and 259A of the Revised Laws of Hawaii 1935.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 69A of the Revised Laws of Hawaii 1935, enacted by Act 213 (Series A-73) of the Session Laws of Hawaii 1941, is hereby amended in the following respects:

(a) By amending section 17 [Sec. 2148.17] thereof by striking out the words "five hundred thousand dollars", which appear in the thirteenth line of said section, being the eleventh line on page 122 of the Session Laws of Hawaii 1941, and by inserting in lieu thereof the following: "one million dollars".

[Sec. 2148.17 also amended by Section 2, infra.]

(b) By amending section 18 [Sec. 2148.18] thereof as follows:

(1) By deleting from the seventh line of said section the words "for the preceding period".

(2) By striking out the words "five hundred thousand dollars", which appear in the ninth line of said section, and in the nineteenth and twentieth lines thereof, and by inserting in lieu thereof the following: "one million dollars".

[Sec. 2148.18 also amended by Section 2(b), infra.]

Section 2. Chapter 69A of the Revised Laws of Hawaii 1935, as enacted by Act 213 (Series A-73) of the Session Laws of Hawaii 1941, and chapter 259A of said Revised Laws, as enacted by Act 296 (Series D-243) of the Session Laws of Hawaii 1941, are hereby amended in the following respects:

(a) By deleting from section 17 [**Sec. 2148.17**] of said chapter 69A the last two paragraphs thereof, by adding said last two paragraphs to chapter 259A, as section 11 thereof, and by further amending the same so that the portion thereof preceding the proviso shall read as follows:

"Sec. 11. Public Welfare Fund. Any moneys in the public welfare fund, created by chapter 69A, shall be available for expenditure by the department pursuant to this chapter and chapter 259A-1, for any of the purposes herein or therein set forth;".

(b) By deleting section 18 [**Sec. 2148.18**] of said chapter 69A, by adding said section to chapter 259A as section 12 thereof, and by further amending the same by deleting the words "said tax" and "the tax", which appear in the fourth and sixteenth lines of said section, and by inserting in lieu thereof the following: "the tax accruals to the public welfare fund".

(c) By deleting section 19 [**Sec. 2148.19**] of said chapter 69A, by adding said section to chapter 259A as section 13 thereof, and by further amending the same as follows:

(1) By deleting the words "this chapter" which appear in the fifth and sixth lines and inserting in lieu thereof "chapter 69A".

(2) By deleting the words "chapter 259A and 259A-1", which appear in the sixth and seventh lines, and inserting in lieu thereof "this chapter and chapter 259A-1".

Section 3. This Act shall take effect upon July 1, 1943; provided, however, that section 2 of this Act shall take effect only if House Bill No. 20 of the current session of this legislature shall become law.

(Approved May 1, 1943.) **S.B. 253, Act 101.**

Title XI. COUNTIES—GENERAL.

CHAPTER 77. EMINENT DOMAIN.

[B-63] An Act to Amend Section 2300 of the Revised Laws of Hawaii 1935, as Amended by Act 184 of the Session Laws of Hawaii 1937, as Amended by Act 53 of the Session Laws of Hawaii 1941, Relating to Eminent Domain.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 2300 of the Revised Laws of Hawaii 1935, as amended by Act 184 of the Session Laws of Hawaii 1937, as amended by Act 53 of the Session Laws of Hawaii 1941, is hereby further amended to read as follows:

“Sec. 2300. **Purposes for taking property.** Each county shall have the following specific powers: To take private property for the purpose of establishing, laying out, extending and widening streets, avenues, boulevards, alleys and other public highways and roads; for pumping stations, water works, reservoirs, wells, schools, hospitals, jails, courthouses, police and fire stations, city halls, office and other public buildings, cemeteries, parks, playgrounds and public squares, public off-street parking facilities and accommodations, land from which to obtain earth, gravel, stones and other material for the construction of roads and other public works and for rights-of-way for drains, sewers, pipe lines, aqueducts and other conduits for distributing water to the public; and also to take such excess over that needed for such public use or public improvement in cases where small remnants would otherwise be left or where other justifiable cause necessitates such taking to protect and preserve the contemplated improvement or public policy demands such taking in connection with such improvement, and to sell or lease such excess property with such restrictions as may be dictated by considerations of public policy in order to protect and preserve such improvement; provided, however, that when any such excess property shall be disposed of by any county it shall be first offered to the abutting owner or owners for a reasonable length of time and at a reasonable price and if such owner or owners fail to take the same then it may be sold at public auction.” [L. 1907, c. 67, s. 1; am. L. 1913, c. 97, s. 1; am. L.

1919, c. 170, s. 1; R.L. 1935, s. 2300; am. L. 1937, c. 184, s. 6; am. L. 1941, c. 53, s. 1; am. L. 1943, c. 153, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 11, 1943.) **H.B. 221, Act 153.**

CHAPTER 78. GENERAL PROVISIONS.

[Sic] [B-64] An Act Amending Chapter 79 of the Revised Laws of Hawaii 1935, by Adding a New Section Thereto to Be Numbered Section 2322, Requiring That Notice of Injuries, Claimed to Have Been Caused by a County, Shall Be Given to the Chairman of the Board of Supervisors of the County Within Six Months From Date of Injury.

Be It Enacted by the Legislature of the Territory of Hawaii:

[Sic] Section 1. Chapter 79 of the Revised Laws of Hawaii 1935, is hereby amended by adding thereto a new section to be numbered section 2322, to read as follows:

"Sec. 2322. Notice of Injuries. Before the county shall be liable for damages to any person for injuries to person or property received upon any of the streets, avenues, alleys, sidewalks or other public places of the county, or on account of any negligence of any official or employee of such county, the person so injured, or the owner or person entitled to the possession, occupation or use of the property so injured, or someone in his behalf, shall, within six months after such injuries are received, give the chairman of the board of supervisors notice in writing of such injuries, and the specific damages resulting, stating fully in such notice when, where and how the injuries occurred, the extent thereof and the amount claimed therefor."

Section 2. This Act shall take effect upon its approval.

(Approved May 12, 1943.) **H.B. 305, Act 181.**

[B-65] An Act to Amend Chapter 78 of the Revised Laws of Hawaii 1935, as Amended, Relating to the Counties and the City and County by Adding Thereto a New Section to Be Numbered Section 2325, Providing for the Filing of Claims for Legislative Relief With the Respective Boards of Supervisors.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 78 of the Revised Laws of Hawaii 1935, as amended, is hereby further amended by adding thereto a new section to be numbered section 2325 and to read as follows:

"Sec. 2325. Claims for legislative relief must be filed with board; conditions. All claims for refunds, reimbursements or other payments by any county, authorization for which is sought from the legislature, shall, as a condition to their being considered by the legislature, be filed in duplicate with the board of supervisors of the county concerned at least thirty days prior to the convening of the legislature, together with duplicates of all data and documents in support thereof. In the absence of a showing of sufficient reason therefor, failure to comply with the provisions of this paragraph shall be deemed sufficient cause for refusal of the legislature to consider such claims.

It shall be the duty of the board of supervisors immediately upon receipt thereof to refer any such claim and data so received by it to the head of the department, bureau, board or commission concerned, and it shall be the duty of such person to whom such reference is made immediately to investigate the claim, secure in duplicate all available data and documents bearing thereon, and prior to the convening of the legislature refer the same back to the board of supervisors with his recommendations thereon. It shall be the duty of the boards of supervisors, within five days after the opening of the session, to transmit any such claims which have not been paid by the county concerned, together with all accompanying data so presented, to the committee on ways and means of the Senate and the committee on finance of the House of Representatives."

[A new Section 2325 also added by following Act, *infra*, page 102.]

Section 2. This Act shall take effect upon its approval.

(Approved April 28, 1943.) **H.B. 247, Act 75.**

[B-66] An Act to Amend Chapter 78 of the Revised Laws of Hawaii 1935, as Amended, by Adding Thereto a New Section Relating to the Collection by the Various Counties and City and County of Delinquent License Fees, Taxes and Other Amounts.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 78 of the Revised Laws of Hawaii 1935, as amended, is hereby further amended by adding thereto a new section which shall be designated section 2325 and shall read as follows:

“Sec. 2325. Collection of Delinquent License Fees, Taxes and Other Amounts. In addition to the penalty or forfeiture prescribed by law, an action in assumpsit for the recovery of any delinquent license fees, taxes or other amounts payable by law, may be brought by the treasurer of any county or city and county in the name of the county or city and county to which such license fee, tax or other amount payable by law is due.”

[A new **Section 2325** also added by previous Act, *supra*, page 101.]

Section 2. This Act shall take effect upon its approval.

(Approved May 12, 1943.) **S.B. 267, Act 175.**

CHAPTER 79. HIGHWAYS, SIDEWALKS, PARKS; USE OF STREETS, ETC.

SIDEWALKS.

[B-67] An Act to Amend Section 2359 of the Revised Laws of Hawaii 1935, as Amended, Relating to Sidewalks.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 2359** of the Revised Laws of Hawaii 1935, as amended by Act 37 of the Session Laws of Hawaii 1939, is hereby further amended by changing the period (.) at the end of said section as amended to a semi-colon (;) and by adding thereto the following proviso:

“provided, further, that the board of supervisors of the city and county of Honolulu may maintain and repair sidewalks, and may construct curbs in any instance where the board shall deem it advisable to do so in order to provide adequate storm drainage for the protection of roads and abutting properties

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from flood waters, without being subject to any other provision of law.”

Section 2. This Act shall take effect upon its approval.

(Approved May 15, 1943.) **H.B. 39, Act 210.**

CHAPTER 80.

LICENSES.

GENERAL PROVISIONS.

[**B-68**] An Act to Amend Section 2403 of the Revised Laws of Hawaii 1935, Relating to Issuance of Licenses.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 2403** of the Revised Laws of Hawaii 1935, is hereby amended by substituting for the words “industrial accident board of the county or city and county where the principal business or occupation of the applicant is carried on” in the fourth, fifth and sixth lines of said section the words “bureau of workmen’s compensation”.

Section 2. This Act shall take effect upon its approval.

(Approved May 14, 1943.) **H.B. 226, Act 198.**

LAUNDRY, ETC.

[**B-69**] An Act Relating to Identification Marks for Laundries, Dyeing or Cleaning or Dyeing and Cleaning Works.

Be It Enacted by the Legislature of the Territory of Hawaii:

[**Sec. 2473A.**] Section 1. [**Registration of identification marks.**] Every person holding a license under the provisions of section 2473 of the Revised Laws of Hawaii 1935 to maintain and operate a laundry, dyeing or cleaning or dyeing and cleaning works, shall have an identification mark with which all clothes passing through such laundry, dyeing or cleaning or dyeing and cleaning works shall be marked, and which shall be registered with the sheriff or the chief of police, as the case may be, of the county in which such license is issued. The license of any person who fails to comply with the foregoing provision may be suspended by the officer issuing the same for such period as such officer may determine but not exceeding six months, provided, however, that this section

shall not be applicable in the case of laundries operated exclusively by members of one family nor to bulk laundry of uniforms of members of the armed forces of the United States.

Section 2. This Act shall take effect upon its approval.

(Approved May 12, 1943.) S.B. 39, Act 188.

CHAPTER 82. INTOXICATING LIQUOR.

[B-70] An Act Amending Chapter 82 of the Revised Laws of Hawaii 1935, as Amended, Relating to Intoxicating Liquor.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 82 of the Revised Laws of Hawaii 1935, as amended, is hereby further amended by adding thereto a new section 2643, to read as follows:

"Sec. 2643. Suspensions of certain restrictions for a limited period. For the period during which the Hawaii Defense Act remains in effect:

"(a) The provisions of this chapter shall not apply to sales of liquor for consumption on the premises of recreational establishments operated exclusively for members of the armed forces and their guests under the supervision of, and certified to be such by, the military or naval authorities, and nothing in section 2580 shall be deemed to prevent sales of liquor to such establishments, for such purposes.

"(b) The proviso of the fifth paragraph of section 2570, defining the term 'Club', which requires that to obtain a license for a club the organization applying therefor shall have been in existence for at least two years prior to its application for a license, shall not apply to army or navy officers' clubs.

"(c) Nothing in section 2580 shall prevent the sale of liquor to any dispenser located in the Hawaii National Park and operating with the permission of the United States, though not a licensed dispenser."

Section 2. Nothing in this Act shall be deemed to in any way limit or prejudice the powers conferred upon the governor by the Hawaii Defense Act with respect to the suspension of laws.

Section 3. This Act shall take effect upon its approval

and shall expire upon the expiration of the Hawaii Defense Act.

(Approved April 30, 1943.) **S.B. 175, Act 86.**

CHAPTER 83. **MOTOR VEHICLES; CHAUFFEUR'S LICENSE; REGISTRATION.**

PART 1. CHAUFFEURS.

[B-71] An Act to Amend Section 2650-D of the Revised Laws of Hawaii 1935, Relating to Persons Not to Be Licensed as Operators or Chauffeurs of Motor Vehicles, by Adding Thereto Unlicensed Persons Who Have Within Two Years Been Convicted of Drunk Driving.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 2650-D** of the Revised Laws of Hawaii 1935, as enacted by Act 234 (Series B-62) of the Session Laws of Hawaii 1937, is hereby amended by changing the period at the end of subparagraph (a) thereof to a semicolon and adding thereafter the following:

"nor to any person who, while unlicensed, has within two years been convicted of driving while drunk."

Section 2. This Act shall take effect upon its approval.

(Approved May 4, 1943.) **H.B. 103, Act 121.**

[B-72] An Act to Amend Act 234 of the Session Laws of Hawaii 1937, as Amended, by Amending Sections 5 and 17 Thereof, Relating to the Licensing of Persons Operating Motor Vehicles Upon Highways.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Act 234 of the Session Laws of Hawaii 1937, as amended, is hereby further amended by amending [**Sec. 2650E**] section 5 thereof in the following particulars:

1. Insert a new paragraph to be numbered (b) and to read as follows:

"(b) No person shall operate a motor vehicle in which passengers are conveyed for hire unless he shall have been

licensed as a chauffeur and received a chauffeur's license and shall have had one (1) year of driving experience prior to operating such vehicle."

2. Reletter paragraphs (b), (c), (d), and (e) of said section, (c), (d), (e), and (f).

3. Amend the relettered paragraph (c) to read as follows:

"(c) No person shall be granted a chauffeur's license unless he shall have had six (6) months of driving experience prior to the application therefor, and until he files with the examiner of chauffeurs one or more certificates signed by a total of at least three (3) responsible people to whom he is well known, certifying as to his good character and habits."

Section 2. Act 234 (Series B-62) of the Session Laws of Hawaii 1937, as amended, is hereby further amended by amending paragraph (a) of [Sec. 2650q] section 17 thereof to read as follows:

"(a) Every operator's license shall continue in full force and effect and shall require no renewal, unless cancelled or revoked by the court under any statute requiring or authorizing such cancellation or revocation for cause; provided that renewal of such licenses as were issued prior to July 1, 1937, shall be required in any case where the holder thereof is convicted after said date of operating any vehicle carelessly or heedlessly of the rights or safety of others or in a manner so as to endanger or be likely to endanger any person or property, or of unlawful speeding, under any law or ordinance of the Territory or any political subdivision thereof."

Section 3. This Act shall take effect upon its approval.

(Approved May 12, 1943.) **S.B. 87, Act 177.**

CHAPTER 83A. MOTOR VEHICLE COMMON CARRIERS INSURANCE.

[B-73] An Act to Amend Act 186 of the Session Laws of Hawaii 1941 to Provide for Compulsory Public Liability and Property Damage Insurance or the Filing of Bonds in Lieu Thereof by Motor Vehicle Common Carriers of Passengers.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Act 186 of the Session Laws of Hawaii 1941 is hereby amended in the following particulars:

(1) Amend the title to read:

"An Act to Provide for Compulsory Public Liability and Property Damage Insurance or the Filing of Bonds in Lieu Thereof by Motor Vehicle Common Carriers of Passengers in the Several Counties of the Territory."

(2) Amend sections 1, 2, 3, 4 and 5 thereof to read as follows:

[Sec. 2677A.] "Section 1. **Common carriers of passengers to be insured.** It is declared unlawful for any motor vehicle common carrier of passengers to operate upon or use the public streets or highways of any of the several counties of the Territory of Hawaii until it shall have filed with the treasurer of the county in which it is to operate a policy of insurance by which any insurance company authorized to do business within the Territory of Hawaii shall bind itself to pay any final judgment against such common carrier arising out of the death of or personal injury to any person or persons or loss or damage to property of another, or any accident or omission connected with the operation of such common carrier; the limits of which said policy of insurance shall be not less than the standard public liability limit of \$5,000.00 for bodily injury to or death of any one person in any one accident and, subject to such limitation, not less than \$10,000.00 for bodily injuries or death arising out of any one accident. The limitation on liability for damage to property of others shall be not less than the standard limit of \$5,000.00 for any one accident. [L. 1941, c. 186, s. 1; am. L. 1943, c. 171, pt. of s. 1.]

[Sec. 2677B.] "Section 2. **Bond in lieu of insurance, allowed when.** In lieu of such policy of insurance, any such common carrier who has exhausted all reasonable means of securing the foregoing insurance but has been refused the same, may deposit with said treasurer a surety bond, payable to the county in which it is to operate, in the principal sum of \$5,000.00, with adequate sureties justifying thereon pursuant to the provisions of section 160 of the Revised Laws of Hawaii 1935, and approved by the county auditor. If the surety or sureties on such bond shall be other than a surety company authorized to do business under the laws of the Territory, there shall be not more than four such sureties who shall severally justify in such amounts as, taken together, will aggregate the full amount of the bond; provided that in the case of such other sureties the auditor shall require that such sureties shall also severally deposit with him bonds, stocks or other negotiable securities, or execute and deliver to such auditor a deed or

deeds of trust of real property, all of such character as shall be satisfactory to such auditor, each surety to furnish such security to the full cash value of one hundred per centum of the amount for which he shall so have justified; provided that if there be but one personal surety he shall so justify for the full amount of the bond. Said bond shall be conditioned on the payment, up to the said sum of \$5,000.00, of any final judgment procured against such common carrier for the death of or personal injury to any person or persons or loss or damage to property of another or any accident or omission connected with the operation of such common carrier. [L. 1941, c. 186, s. 2; am. L. 1943, c. 171, pt. of s. 1.]

[**Sec. 2677C.**] “Section 3. **[Insurance prerequisite to license.]** No license shall be issued in any of the several counties of the Territory of Hawaii under section 2528 of the Revised Laws of Hawaii 1935, as amended, unless and until the applicant therefor shall deposit with the treasurer of said county a policy of insurance or a bond as hereinabove described. [L. 1941, c. 182, s. 3; am. L. 1943, c. 171, pt. of s. 1.]

[**Sec. 2677D.**] “Section 4. **Cancellation of insurance, revocation of license.** Such policy of insurance or bond shall be subject to cancellation only after ten (10) days written notice filed with the treasurer of the county, or upon surrender of the license issued for the vehicle involved under the provisions of section 2528, Revised Laws of Hawaii 1935, as amended, or upon the filing of a substitute policy of insurance or bond complying with the provisions of sections 1 and 2 hereof. Upon cancellation of any such policy of insurance or bond without the filing of a substitute therefor the county treasurer shall immediately recall, confiscate and cancel the license issued under section 2528, Revised Laws of Hawaii 1935, as amended, for the vehicle involved. [L. 1941, c. 186, s. 4; am. L. 1943, c. 171, pt. of s. 1.]

[**Sec. 2677E.**] “Section 5. **Motor vehicle common carrier of passengers defined.** The term ‘motor vehicle common carrier of passengers’ as used herein means and includes every corporation, joint stock association, person, individual, firm, association of persons, lessee, trustee, receiver, executor or administrator appointed by any court, owning, controlling, operating or managing any motor vehicle, directly or indirectly, for public use in the transportation of passengers for compensation over any public street or highway within any of the several counties of the Territory of Hawaii.” [L. 1941, c. 186, s. 5; am. L. 1943, c. 171, pt. of s. 1.]

Section 2. This Act shall not be applicable to any common carrier subject to provisions of Section 7959.

Section 3. This Act shall take effect on July 1, 1943.

(Approved May 12, 1943.) S.B. 100, Act 171.

Title XII. COUNTY GOVERNMENT.

CHAPTER 86. GOVERNMENT OF KAUAI, MAUI, HAWAII AND KALAWAO.

[Sec. 2805, amended by Acts 62 and 64, infra, pages 131 and 124.]

SALARIES.

[B-74] An Act Relating to Salaries of Certain Officers of the County of Hawaii, and Amending Section 2816 of the Revised Laws of Hawaii 1935, as Heretofore Amended.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 2816** of the Revised Laws of Hawaii 1935, as heretofore amended, is hereby further amended by amending the items setting forth the salaries of chairman and executive officer of the board of supervisors, county of Hawaii; members of the board of supervisors, county of Hawaii; county attorney, county of Hawaii; auditor, county of Hawaii; treasurer, county of Hawaii; and clerk, county of Hawaii; to read as follows:

Chairman and executive officer of the board of supervisors, county of Hawaii.....	\$6300.00
Members of the board of supervisors, county of Hawaii, each	1440.00
County attorney (who shall not engage in the private practice of law), county of Hawaii.....	6000.00
Auditor, county of Hawaii.....	5100.00
Treasurer, county of Hawaii.....	4500.00
Clerk, county of Hawaii.....	4200.00.

Section 2. Said **section 2816** of the Revised Laws of Hawaii 1935 is hereby further amended by inserting therein under the county of Hawaii schedule a new item which shall follow the item for the county attorney and shall read as follows:

“Deputy county attorney (who shall not engage in the private practice of law), county of Hawaii.. 5100.00”.
Section 3. This Act shall take effect on July 1, 1943.

(Approved April 28, 1943.) **H.B. 111, Act 70.**

[**Sec. 2816**, also amended by Acts 62 and 64, *infra*, pages 132 and 124.]

[**B-75**] An Act Amending Act 276 (Series B-96), Session Laws of Hawaii 1941, Relating to the Salaries of Certain County Officers of the County of Kauai.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. That part [**Sec. 2816A**] of Act 276 (Series B-96), Session Laws of Hawaii 1941, reading as follows: “County chairman and executive officer, \$4,800.00”, is hereby amended to read as follows: “County chairman and executive officer, \$5,700.00”.

Section 2. That part [**Sec. 2816A**] of Act 276 (Series B-96), Session Laws of Hawaii 1941, reading as follows: “County auditor, \$4,200.00” is hereby amended to read as follows: “County auditor, \$5,100.00”.

Section 3. That part [**Sec. 2816A**] of Act 276 (Series B-96), Session Laws of Hawaii 1941, reading as follows: “County engineer, \$4,800.00”, is hereby amended to read as follows: “County engineer, not less than \$3,600.00 and not more than \$5,100.00”.

Section 4. That part [**Sec. 2816A**] of Act 276 (Series B-96), Session Laws of Hawaii 1941, reading as follows: “County attorney, \$4,800.00” is hereby amended to read as follows: “County attorney, \$5,100.00”.

Section 5. That part [**Sec. 2816A**] of Act 276 (Series B-96), Session Laws of Hawaii 1941, reading as follows: “County clerk, \$4,200.00”, is hereby amended to read as follows: “County clerk, \$4,500.00”.

Section 6. That part [**Sec. 2816A**] of Act 276 (Series B-96), Session Laws of Hawaii 1941, reading as follows: “County treasurer, \$4,200.00” is hereby amended to read as follows: “County treasurer, \$4,500.00”.

Section 7. This Act shall take effect from and after July 1, 1943.

(Approved May 4, 1943.) **S.B. 95, Act 118.**

[**Sec. 2816A**, also amended, by implication, by Act 64, *infra*, page 118.]

POWERS AND DUTIES OF BOARD OF SUPERVISORS

[B-76] An Act Relating to the Power of the Board of Supervisors of the Several Counties and the City and County of Honolulu to Regulate the Impounding of Stray Animals and Fowl, Amending Sections 2833 and 3021 of the Revised Laws of Hawaii 1935, and Repealing Sections 267 to 275, Inclusive, of Said Revised Laws.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 2833** of the Revised Laws of Hawaii 1935, as amended, is hereby amended by adding a new subsection to be numbered and to read as follows:

“7-B. To provide public pounds, to regulate the impounding of stray animals and fowl and the disposition thereof and to provide for the appointment, powers, duties and fees of poundmasters.”

Section 2. **Section 3021** of the Revised Laws of Hawaii 1935, as amended, is hereby further amended by amending subsection 12 thereof to read as follows:

“12. To provide public pounds, to regulate the impounding of stray animals and fowl and the disposition thereof and to provide for the appointment, powers, duties and fees of poundmasters.”

Section 3. **Sections 267 to 275**, inclusive, of the Revised Laws of Hawaii 1935, are hereby repealed.

Section 4. This Act shall take effect upon its approval.

(Approved May 4, 1943.) **H.B. 43, Act 120.**

**MAUI AND HAWAII COUNTY EMERGENCY AND
IMPROVEMENT RESERVE FUNDS.**

[B-77] An Act to Amend Chapter 86 of the Revised Laws of Hawaii 1935, as Amended, by Amending Section 2837-A Thereof, as Enacted in Act 231 of the Session Laws of Hawaii 1941, Relating to the General Emergency and Permanent Improvement Reserve Funds of the Counties of Hawaii and Maui.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 86 of the Revised Laws of Hawaii 1935, as amended, is hereby amended by amending section 2837-A

thereof, as enacted in Act 231 of the Session Laws of Hawaii 1941, to read as follows:

"Sec. 2837-A. Fund balances and reserves in the counties of Hawaii and Maui. In the counties of Hawaii and Maui, any unappropriated surplus and any unencumbered balances of any appropriations in any fund at the end of any fiscal year, shall be available for appropriation for the succeeding fiscal year or years; provided, however, that the auditor and treasurer, by resolution by the board of supervisors of said respective counties, shall transfer all or a portion of said surplus, in accordance with the provisions of said resolution, to the emergency reserve fund and to the improvement reserve fund, both of which are hereby created. The funds in the emergency reserve fund may be used to meet any emergency. Funds transferred to the improvement reserve fund shall be expended only for the specific improvements designated in the resolution making such transfer, provided that the said boards may change the purposes for which such improvement reserve fund may be expended, by ordinance or resolution passed at two regular meetings of said boards, upon affirmative vote of not less than five members of the board of supervisors, notice of which shall be given by publication before final passage thereof.

The funds transferred to the improvement reserve fund may be used to match funds from other governmental agencies available for expenditure for the same purpose.

No amounts transferred, as above authorized, into the emergency reserve fund or the improvement reserve fund shall be deducted from amounts to be raised by taxes for ensuing years nor be taken into consideration by the board of supervisors of said respective counties in fixing and submitting to the treasurer its budget pursuant to the provisions of section 1921, Revised Laws of Hawaii 1935, as amended." [L. 1941, c. 231, s. 1; am. L. 1943, c. 84, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved April 30, 1943.) **S.B. 41, Act 84.**

[Sec. 2848, amended by Acts 62 and 64, *infra*, pages 132 and 124.]

SALARIES, POLICE DEPARTMENT.

[B-78] An Act to Amend Sections 2849-O and 2919 of the Revised Laws of Hawaii 1935, Relating to Salaries of Employees of the Maui and Hawaii Police Forces, and to Authorize the Furnishing of Generators to Officers of Said Departments.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 2849-O of the Revised Laws of Hawaii 1935, as amended by Act 261 (Series B-100) of the Session Laws of Hawaii 1941, is hereby amended to read as follows:

"Sec. 2849-O. Salaries. The salaries of officers and members of the police department, other than the chief and assistant chief, shall be as follows:

CAPTAINS

Years in service in position	Per month	Per year
First	\$260.00	\$3120.00
Second	265.00	3180.00
Third	270.00	3240.00
Fourth	275.00	3300.00
Fifth	280.00	3360.00
Sixth	285.00	3420.00
Seventh and Subsequent....	290.00	3480.00

LIEUTENANTS

Years in service in position	Per month	Per year
First	210.00	2520.00
Second	215.00	2580.00
Third	220.00	2640.00
Fourth	225.00	2700.00
Fifth	230.00	2760.00
Sixth	235.00	2820.00
Seventh and Subsequent....	240.00	2880.00

SERGEANTS

Years in service in position	Per month	Per year
First	175.00	2100.00
Second	180.00	2160.00
Third	185.00	2220.00
Fourth	190.00	2280.00
Fifth	195.00	2340.00
Sixth	200.00	2400.00
Seventh and Subsequent....	205.00	2460.00

DETECTIVES

Years in service in position	Per month	Per year
First	170.00	2040.00
Second	175.00	2100.00
Third	180.00	2160.00
Fourth	185.00	2220.00
Fifth	190.00	2280.00
Sixth	195.00	2340.00
Seventh and Subsequent....	200.00	2400.00

RADIO TECHNICIAN

Years in service in position	Per month	Per year
First	170.00	2040.00
Second	175.00	2100.00
Third	180.00	2160.00
Fourth	185.00	2220.00
Fifth	190.00	2280.00
Sixth	195.00	2340.00
Seventh and Subsequent....	200.00	2400.00

ASSISTANT RADIO TECHNICIANS

Years in service in position	Per month	Per year
First	125.00	1500.00
Second	130.00	1560.00
Third	135.00	1620.00
Fourth	140.00	1680.00
Fifth	145.00	1740.00
Sixth	150.00	1800.00
Seventh and Subsequent....	155.00	1860.00

RECORD CLERK

Years in service in position	Per month	Per year
First	150.00	1800.00
Second	155.00	1860.00
Third	160.00	1920.00
Fourth	165.00	1980.00
Fifth	170.00	2040.00
Sixth	175.00	2100.00
Seventh and Subsequent....	180.00	2160.00

JAILOR

Years in service in position	Per month	Per year
First	145.00	1740.00
Second	150.00	1800.00

Third	155.00	1860.00
Fourth	160.00	1920.00
Fifth	165.00	1980.00
Sixth	170.00	2040.00
Seventh and Subsequent....	175.00	2100.00

MOTOR PATROLMEN

Years in service in position	Per month	Per year
First	140.00	1680.00
Second	145.00	1740.00
Third	150.00	1800.00
Fourth	155.00	1860.00
Fifth	160.00	1920.00
Sixth	165.00	1980.00
Seventh and Subsequent....	170.00	2040.00

FOOT PATROLMEN

Years in service in position	Per month	Per year
First	130.00	1560.00
Second	135.00	1620.00
Third	140.00	1680.00
Fourth	145.00	1740.00
Fifth	150.00	1800.00
Sixth	155.00	1860.00
Seventh and Subsequent....	160.00	1920.00

GUARDS

Years in service in position	Per month	Per year
First	110.00	1320.00
Second	115.00	1380.00
Third	120.00	1440.00
Fourth	125.00	1500.00
Fifth	130.00	1560.00
Sixth	135.00	1620.00
Seventh and Subsequent....	140.00	1680.00

MATRON

Years in service in position	Per month	Per year
First	80.00	960.00
Second	85.00	1020.00
Third	90.00	1080.00
Fourth	95.00	1140.00
Fifth	100.00	1200.00
Sixth	105.00	1260.00
Seventh and Subsequent....	110.00	1320.00

COOK

Years in service in position	Per month	Per year
First	65.00	780.00
Second	70.00	840.00
Third	75.00	900.00
Fourth	80.00	960.00
Fifth	85.00	1020.00
Sixth	90.00	1080.00
Seventh and Subsequent....	95.00	1140.00

All original appointments of foot patrolmen should be at the basic salary of \$1,560.00 per year, and the first year of service shall be probationary. No annual increase in salary shall be paid to any member of the police department unless in the opinion of the commission, after a report from the chief of police, such member has rendered satisfactory service. The salaries of necessary employees of the department which are not prescribed by this section shall be fixed by the commission.

Years of service rendered in the Maui police department prior to the approval of this Act shall be included in computing the salaries of the present members of the department, and nothing herein shall reduce the present salary of any such member." [L. 1939, c. 104, pt. of s. 1; am. L. 1941, c. 261, s. 3; am. L. 1943, c. 229, s. 1.]

[**Sec. 2849-O**, also amended by following Act; **Sec. 2892 F**, amended by Act 24, *infra*, page 118; **Sec. 2914 B**, amended by Act 31, *infra*, page 125.]

Section 2. **Section 2919** of the Revised Laws of Hawaii 1935 is hereby amended by adding at the end thereof the following:

"The salaries of police captains shall be \$3,000.00, of lieutenants \$2,700.00 and of sergeants \$2,400.00, per year.

The annual salary of each patrolman shall be: for the first year in such position, \$1,800.00; for the second year, \$1,860.00; for the third year, \$1,920.00; for the fourth year, \$1,980.00, and for the fifth and subsequent years, \$2,040.00.

In addition to the salaries hereinabove provided, each member of the police department authorized by the police commission to use his own car shall be allowed not less than \$20.00 nor more than \$65.00 per month as a car allowance and shall be allowed gasoline and oil based on official mileage, and shall have his public liability and property damage insurance paid by the county.

All original appointments of patrolmen shall be at the basic salary of \$1,800.00 per year, and the first year of service shall

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be probationary. The annual salary increment hereinabove provided shall be effective upon the anniversary of appointment.

The salaries of other necessary employees of the police department shall be as prescribed by the classification board."

[Sec. 2919, also amended, by implication, by Act 62, *infra*, page 126.]

Section 3. The police commission of the county of Maui, and the officer or commission in charge of the Hawaii police force, may furnish, out of funds made available to them, proper generators to such of their officers as they deem entitled thereto, due to the nature of their work.

Section 4. This Act shall take effect upon July 1, 1943, provided, however, that in the event House Bill No. 123 of this session becomes law and there is included in it compensation schedules for the officers and members of the Maui police force, section 1 of this Act shall become ineffective, and if said House Bill No. 123 becomes law and there is included in it compensation schedules for the officers and members of the Hawaii police force, section 2 of this Act shall become ineffective.

(Approved May 18, 1943.) H.B. 149, Act 229.

[B-79] An Act to Amend Section 2849-O of the Revised Laws of Hawaii 1935, Relating to Salaries of Maui Police Officers, by Providing for Certain Car Allowances.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 2849-O** of the Revised Laws of Hawaii 1935, as amended by Act 261 (Series B-100) of the Session Laws of Hawaii 1941, is hereby further amended by adding thereto a new paragraph reading as follows:

"(8) The commission shall also pay not less than \$20.00 nor more than \$50.00 per month as a car allowance to each patrolman, detective and sergeant (other than desk sergeants) using their own cars in police work."

Section 2. This Act shall take effect upon July 1, 1943.

(Approved April 29, 1943.) H.B. 167, Act 83.

KAUAI COUNTY DENTIST.

[B-80] An Act Amending Act 195 (Series B-74), Session Laws of Hawaii 1939, Relating to a County Dentist for the County of Kauai.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Act 195, (Series B-74), Session Laws of Hawaii 1939, is hereby amended by deleting the sentence in [Sec. 2892 F] section 1 thereof, which reads as follows:

“He shall accept no fees from any patients, whether indigents or not, his salary being in full compensation for all dental services rendered, of whatsoever nature.”

and substituting in lieu thereof a sentence to read as follows:

“He shall accept no fees from indigent patients, his salary being in full compensation for all dental services rendered such indigent patients; provided, however, he may receive compensation for dental services rendered before or after the hours designated by law as the hours during which government offices shall be open for public business.”

Section 2. This Act shall take effect upon its approval.

(Approved April 2, 1943.) **S.B. 97, Act 24.**

KAUAI POLICE DEPARTMENT.

[B-81] An Act Reorganizing the Police Department of the County of Kauai and Amending the Statutes to Conform to Such Reorganization.

Be It Enacted by the Legislature of the Territory of Hawaii:

[Sec. 2906.01.] Section 1. **Definitions.** As used in this Act the word “county” shall mean the County of Kauai; the word “board” shall mean the board of supervisors of the County of Kauai; and the word “commission” shall mean the police commission of the County of Kauai.

[Sec. 2906.02.] Section 2. **Organization.** The police department of the County of Kauai shall consist of a police commission, chief of police, and force of police officers and such other officers, clerks, and employees, as the commission may from time to time prescribe, appointed in the manner herein provided.

[Sec. 2906.03.] Section 3. **Police commission, appointment.** A police commission is created, consisting of five members, all

of whom shall not belong to the same political party. The members of the commission shall be appointed, and may be removed, by the Governor in the manner provided by section 80 of the Organic Act. No member of the commission shall be a salaried officer or employee of the Territory or any political subdivision thereof. Any member becoming a candidate for any elective office ipso facto vacates his office as such member. Each commissioner must at the time of his appointment be an elector of the county and must have been such for at least three years next preceding his appointment. The commissioners shall serve without remuneration, but may be reimbursed for their reasonable traveling and other expenses incurred in the discharge of their duties. The commission may employ such clerks, employees and other assistants as it may deem necessary and for which funds are available.

[Sec. 2906.04.] Section 4. **Term of office.** One commissioner shall be appointed for a term to expire June 30, 1945, one for a term to expire June 30, 1946, one for a term to expire June 30, 1947, one for a term to expire June 30, 1948, and one for a term to expire June 30, 1949. Upon the expiration of the term of each commissioner, his successor shall be appointed for a term to expire six years from the date of the expiration of the preceding term. Any vacancy in the commission occurring otherwise than by expiration of a term of office shall be filled for the remainder of such unexpired term.

[Sec. 2906.05.] Section 5. **General powers of the commission.** The commission shall hold regular public meetings at a designated time and place. The commission shall elect its chairman and a majority shall constitute a quorum for the transaction of business; provided, that a vote of three members shall be necessary to validate the appointment or removal of the chief of police. In the absence of the chairman the remaining members shall elect an acting chairman. The commission shall adopt such rules and regulations as it may consider necessary for the conduct of its business and regulations of the matters herein committed to its charge.

[Sec. 2906.06.] Section 6. **Classification, training and promotions.** The rules and regulations of the commission shall among other things, provide for the proper training of police officers, and a merit system having for its purpose a systematic method of promotion of police officers based upon efficiency, service and outstanding performance of official duties.

[Sec. 2906.07.] Section 7. **Chief of police.** The commissioners shall appoint and may remove at pleasure a chief of police, who shall devote his full time to the duties of his office, and

must at the time of his appointment have been a resident of the Territory and an elector of the county and must have been such for at least three years next preceding his appointment. Subject to the rules and regulations prescribed by the commission, he shall have control, management and direction of all officers and employees serving under him with full power to detail any of such officers or employees to such public service as he may direct.

[Sec. 2906.08.] Section 8. **Police force, employees.** The chief of police shall have the power to appoint police officers and other officers and employees under such rules and regulations, or as otherwise provided, and at such salaries as may be authorized by law. Such rules and regulations shall provide that appointments may be made in the first instance for a probationary period of not over one year. Except as otherwise provided, the chief of police, with the approval of the commission, may appoint and remove without cause instructors of the police who need not have any residential qualifications. All acts or duties which may be performed by the chief of police may in like manner and with like effect be performed by any police officer.

[Sec. 2906.09.] Section 9. **Powers and duties of chief of police.** The chief of police shall have all of the powers and shall perform all of the duties required by law to be performed by the sheriff, and all of the powers and duties of the sheriff are hereby transferred to, vested in and imposed upon the chief of police. He shall consult and advise with the commission and act with its approval in all matters pertaining to the police department not herein specifically provided for, and shall make such reports from time to time as the commission shall require, and shall annually make a report to the commission of the state of affairs and condition of the police department.

[Sec. 2906.10.] Section 10. **Suspension, removal.** Political activities prohibited. The removal and suspension of any officer or employee under the chief of police shall be in the manner provided by the rules and regulations of the commission, except as otherwise herein, or by any other law prescribed; provided, that the chief of police shall have the absolute right to suspend for a period or periods, not exceeding in the aggregate ninety days in any calendar year, any officer or employee for incompetence, neglect of duty, drunkenness or failure to obey orders given him by proper authority, or for any other just cause, and such suspension shall be final and without appeal or review; provided further, that any such officer or employee suspended for a period exceeding, or which, added

to any previous suspensions exceeds ninety days in any calendar year, may, within ten days from the date of service upon him of a certified copy of the order so suspending him, or, in case he cannot be found, within twelve days from the mailing of such certified copy by registered mail addressed to him at his last known address, apply to the commission for a review of the case; the commission shall thereupon have power, in its discretion, either to entertain or to refuse to entertain such appeal; if it entertains such appeal, it may affirm, set aside, amend or modify such order, or make such further order, as in its judgment the facts shall warrant. The decision of the commission refusing to entertain an appeal, or its order upon any appeal allowed, shall be final. No such officer or employee shall receive any compensation for the period of any suspension affirmed or imposed by the commission, unless after entertaining an appeal the commission shall so order. This section shall not apply to any appointments made for a probationary period. No member of the police department shall, aside from exercising the right to vote, support, advocate or aid in the election or defeat of any candidate for public office. Upon complaint of such prohibited activity being received, the chief of police shall immediately investigate the complaint and, if satisfied that the said complaint is well founded, he shall summarily dismiss the offending member from the police department.

[Sec. 2906.11.] **Section 11. Appropriations.** The board, upon request of the commission, shall appropriate from time to time, for the use of the police department, sums aggregating not less than one hundred seventy-five thousand dollars (\$175,000.00) per annum, together with such other sums as may be available by law for such purpose, plus the amounts necessary to meet all annual salary increases provided for by section 16 of this Act. The board may from time to time in its discretion appropriate from the proper funds additional moneys to be used by the police department.

Any moneys appropriated for the commission for any year, remaining unexpended, may, at the discretion of the commission and notwithstanding any other provision of law to the contrary, be carried over for its use during any subsequent period and need not be deducted from the amount hereinabove required to be appropriated for any year.

[Sec. 2906.12.] **Section 12. Disbursement of funds.** All moneys appropriated for the police department shall be disbursed by the county treasurer only upon warrants issued by the auditor on vouchers signed by the chairman or acting chair-

man of the commission or such officer or employees as the commission may authorize.

[Sec. 2906.13.] Section 13. **Hearings by commission.** In all investigations made by the commission and in all proceedings before it relative to the police department or the officers or employees thereof, the commission and each member thereof shall have the same powers respecting administering oaths, compelling the attendance of witnesses and the production of documentary evidence and examining witnesses as are possessed by circuit judges at chambers. In case of disobedience by any person of any order of the commission or any member thereof or of any subpoena issued by it or him or of the refusal of any witness to testify to any matters regarding which he may be questioned lawfully, it shall be the duty of any circuit judge, on application by the commission or a member thereof, to compel obedience as in case of disobedience of the requirements of a subpoena issued from a circuit court or a refusal to testify therein. The fees and traveling expenses of witnesses shall be the same as are allowed witnesses in the circuit courts and shall be paid out of any appropriations available for the use of the police department.

[Sec. 2906.14] Section 14. **Quarters.** The board shall make available to the police department sufficient and proper quarters in each district in the county for the use of the police department and shall maintain and keep the same in repair.

[Sec. 2906.15.] Section 15. **Pensions.** Any person employed in the police force (as that term is used in chapter 259, part 3, of the Revised Laws of Hawaii 1935, as amended,) of the county immediately prior to the effective date of this Act, and not continued in employment by the chief of police or the commission and who would have been entitled to a pension under the terms of said chapter if dismissed from service without cause prior to said effective date, shall be entitled to receive such pension as he would have been entitled to receive had he been so dismissed; and all persons who are members of the police force immediately prior to such effective date, and are continued in employment in the police department, shall have all the rights and benefits under the terms of chapter 259, part 3 aforesaid, or of chapter 260 thereof, as if this Act had not been enacted.

[Sec. 2906.16.] Section 16. **Salaries.** (1) The annual salaries of the officers and members of the police department of the county shall be set by the commissioners as follows:

	From	To
Chief of police.....	\$5,400	- \$6,000
Assistant chief of police.....	3,800	- 4,200
Captains of police.....	3,300	- 3,600 each
Lieutenants of police.....	2,700	- 3,000 each;

sergeants of police, \$2,400.00 each; patrolmen, \$1,530.00, with an annual increase of \$90.00 each in salary for five years, or until the maximum salary of \$1,890.00 is reached.

(2) In addition to the salaries hereinabove provided for, each member of the police department, who from his own funds furnishes and regularly uses his own automobile in the performance of his official duties, shall be allowed therefor the sum of not less than \$20.00 per month and not more than \$50.00 per month, the rate to be set by the chief of police, and all such members may in addition thereto be allowed gasoline and oil, at the discretion of the chief of police, based on official mileage, and shall have their public liability and property damage insurance paid for by the county, provided, that such allowance based on official mileage shall be given to other members of the police department who shall occasionally be required to use their own automobiles in the performance of their official duties.

(3) All original appointments of patrolmen shall be at the basic salary of \$1,530.00 per year, and the first year of service shall be probationary.

(4) Years of service shall be computed on a calendar year basis from the date of appointment to service in the police department, and the years of service rendered in the police department prior to the effective date of this Act shall be included in computing the salaries of the present members and officers of said department.

(5) No annual increase in salary shall be paid to any member of the police department unless in the opinion of the commission, after a report from the chief of police, such member has rendered satisfactory service.

(6) The salaries of employees of the department other than those prescribed by this section shall be fixed by the commission.

Section 17. Transfer of property. All properties of every kind and nature and all records now in the custody and use of the sheriff of the county and his department are hereby transferred to the police department, and the commission may return to the board any property or records which may be found unnecessary for its use.

Section 18. Transfer of present appropriation. All appro-

priations made by the board of the county for the use of the sheriff's department for the year 1943 are hereby transferred to the police department for its use during said year and, to the extent thereof, shall be considered an appropriation of a portion of the funds required to be made by said board as required herein.

Section 19. Section 2805 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

"Sec. 2805. Designation. The officers of each county shall be a board of supervisors, a county clerk who shall be ex officio clerk of the board of supervisors, an auditor, a county attorney, a treasurer, and, in the counties of Kauai, Hawaii and Maui, a chief of police who shall be ex officio coroner, and such other officers as may be provided by law; all of whom shall be elected or appointed by law." [L. 1905, c. 39, s. 12; am. L. 1905, c. 54, s. 1; R.L. 1935, s. 2805; am. L. 1935, c. 104, s. 4; am. L. 1941, c. 185, s. 1; am. L. 1943, c. 62, s. 18; am. L. 1943, c. 64, s. 19.]

[Sec. 2805, also amended by Act 62, infra, page 131.]

Section 20. **Section 2816** of the Revised Laws of Hawaii 1935, as amended by Act 276, Series B-95, of the Session Laws of Hawaii 1941, is hereby amended by eliminating therefrom the offices of, and salaries payable to, the sheriff of the County of Kauai and deputy sheriffs of the various districts of the County of Kauai.

Section 21. **Section 2848** of the Revised Laws of Hawaii 1935, as amended by Act 15, Series B-68, of the Session Laws of Hawaii 1935, and by Act 104, Series B-71, subdivision 6, of the Session Laws of Hawaii 1939, is hereby further amended by deleting the word "Kauai" in line 2 and from lines 22 to 24 of said Act 15, the words "The Deputy Sheriff of the District of Lihue, County of Kauai, shall, ex officio, be the deputy sheriff of the County of Kauai."

Section 22. Wherever (a) in the following sections of the Revised Laws of Hawaii 1935, to wit, sections 259, 518, 522, 749, 1157, 1237, 1247, 2157, 2413, 2457, 2459, 2460, 2494, 2529, 2541, 2542, 2547, 2550, 2650, 2842, 2844, 2846, 2847, 3652, 3725, 3913, 4190, 4402, 4403, 4405, 4406, 4409, 4551, 4582, 5036, 5444, 5448, 5460, 5481, 5542, 5551, 5583, 6289, 6401, 6462, 6465, 6839, 7790 and 7796; or (b) in any other law of the Territory, or in any ordinance of the County of Kauai, or in any rule or regulation of any public board or commission having the effect of law: the words "sheriff" or "deputy sheriff" appear, or reference is made to the sheriff or deputy sheriff, such words shall mean, and such reference shall be deemed to be made to, the

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chief of police of the County of Kauai, or any of his subordinates thereunder duly authorized, as may be appropriate, in so far as the same apply to or concern the County of Kauai.

Section 23. **Constitutionality.** If any section, subsection, sentence, clause or phrase of this Act is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Act. The legislature hereby declares that it would have approved this Act and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 24. This Act shall take effect upon July 1, 1943, provided that the members of the commission may be appointed at any time and that the commission may make its rules and regulations and that either the commission or the chief of police appointed by it may make appointments prior thereto, which appointments shall take effect July 1, 1943, and provided, further, that in the event House Bill No. 123 becomes law and there is included in it compensation schedules for the members of the police department of the county of Kauai, subsection (1) and those provisions of subsection (3) dealing with the basic salary of patrolmen, subsections 4, 5 and 6 of section 16, of this Act shall become ineffective.

(Approved April 27, 1943.) **H.B. 233, Act 64.**

HAWAII SUPERVISORS.

[B-82] An Act Relating to Hilo Memorial Hospital, Providing for a Superintendent and His Qualifications, and Amending Act 277, Session Laws of Hawaii 1941.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 2 [Sec. 2914B] of Act 277 of the Session Laws of Hawaii 1941, is hereby amended by adding a new sentence thereto to read as follows:

“The said committee shall appoint a superintendent of said hospital, to serve at the pleasure of the committee and who shall, subject to the direction and control of the committee, have the management of said hospital; said superintendent shall be a member of the American College of Hospital Administrators, and shall be subject to the residence quali-

fications provided by section 86, Revised Laws of Hawaii 1935, as amended.”

Section 2. This Act shall take effect upon its approval.

(Approved April 16, 1943.) **S.B. 54, Act 31.**

HAWAII POLICE DEPARTMENT.

[B-83] An Act Reorganizing the Police Department of the County of Hawaii and Amending the Statutes to Conform to Such Reorganization.

Be It Enacted by the Legislature of the Territory of Hawaii:

[Sec. 2920.01.] Section 1. **Organization.** The police department of the county of Hawaii shall consist of a police commission, chief of police, and force of police officers and such other officers, clerks, and employees as the commission may from time to time prescribe, appointed in the manner provided by this Act. As used in this Act “board” means the board of supervisors of the county of Hawaii and “commission” means the police commission.

[Sec. 2920.02.] Section 2. **Police commission; appointment.** A police commission is created to consist of five members, all of whom shall not belong to the same political party at the time of appointment. The members of the commission shall be appointed and may be removed by the governor in the manner provided by section 80 of the Organic Act. No member of the commission shall be a salaried officer or employee of the Territory or any political subdivision thereof. Any member becoming a candidate for any elective office ipso facto vacates his office as such member. Each Commissioner must be at the time of his appointment an elector of the county of Hawaii and must have been such for at least three years next preceding his appointment. The commissioners shall serve without remuneration, but may be reimbursed for their reasonable traveling and other expenses incurred in the discharge of their duties. The commission may employ such clerks, employees, and other assistants at such salaries as it may find necessary and for which funds are available.

[Sec. 2920.03.] Section 3. **Term of office.** Two commissioners shall be appointed for a term to expire March 1, 1945, two for a term to expire March 1, 1947, and one for a term to expire March 1, 1949. Upon the expiration of the

term of each commissioner, his successor shall be appointed for a term to expire six years from the date of the expiration of the preceding term. Any vacancy in the commission occurring otherwise than by expiration of a term of office shall be filled for the remainder of such unexpired term.

[Sec. 2920.04.] Section 4. **General powers of the commission.** The commission shall hold regular public meetings at a designated time and place. The commission shall elect its chairman and a majority shall constitute a quorum for the transaction of business; provided that a vote of three members shall be necessary to validate the appointment or removal of the chief of police. In the absence of the chairman, the remaining members shall elect an acting chairman. The commission shall adopt such rules and regulations as it may consider necessary for the conduct of its business and regulation of the matters herein committed to its charge.

[Sec. 2920.05.] Section 5. **Classifications; training and promotions.** The rules and regulations of the commission shall, among other things, provide for the proper training of police officers, and a merit system having for its purpose a systematic method of promotion of police officers based upon efficiency, service, and outstanding performance of official duties.

No civil service or classification law of the county or Territory shall apply to the officers and employees of the police department until the expiration of six months following the termination of the Hawaiian defense period or the termination of the war, whichever is first in point of time, when any general civil service and classification law governing employees of the county of Hawaii shall apply to the police force.

[Sec. 2920.06.] Section 6. **Chief of police.** The commissioners shall appoint and may remove at pleasure a chief of police, who shall devote his full time to the duties of his office, and must at the time of his appointment have been a resident of the Territory for three years. Subject to the rules and regulations prescribed by the commission, he shall have control, management, and direction of all officers and employees serving under him with full power to detail any of such officers or employees to such public service as he may direct. He shall receive a salary in such amount as the commission may designate, not to exceed, however, five thousand four hundred dollars (\$5,400.00) per annum.

[Sec. 2920.07.] Section 7. **Police force; employees.** The chief of police shall have the power to appoint police officers and other officers and employees under such rules and regu-

lations and at such salaries as may be authorized by law or prescribed by the commission under the terms of this Act, but the commission may abolish any office or position in the department and revoke the salary or commission therefor, in which event, when necessary, the commission shall determine which of several officers or employees in the same class shall be released. Such rules and regulations shall provide that appointments may be made in the first instance for a probationary period of not over one year. The chief of police, with the approval of the commission, may appoint and remove without cause instructors of the police who need not have any residential qualifications. Except as otherwise provided, all acts or duties which may be performed by the chief of police may in like manner and with like effect be performed by any police officer under him.

[Sec. 2920.08.] **Section 8. Power and duties of chief of police.** The chief of police shall have all of the powers and shall perform all of the duties required by law to be performed by the sheriff, and all of the powers and duties of the sheriff are hereby transferred to, vested in and imposed upon the chief of police. He shall consult and advise with the commission and act with its approval in all matters pertaining to the police department not herein specifically provided for, and shall make such reports from time to time as the commission shall require, and shall annually make a report to the commission of the state of affairs and condition of the police department.

[Sec. 2920.09.] **Section 9. Suspension; removal; political activities prohibited.** The removal and suspension of any officer or employee under the chief of police shall be in the manner provided by the rules and regulations of the commission; provided that the chief of police shall have the absolute right to suspend for a period or periods, not exceeding in the aggregate sixty days in any calendar year, any officer or employee under him for incompetence, neglect of duty, drunkenness, or failure to obey orders given him by proper authority, or for any other just cause and such suspension shall be final and without appeal or review; provided, further, that any such officer or employee removed or suspended for a period exceeding, or which added to any previous suspensions exceeds, sixty days in any calendar year may, within ten days from the date of the service upon him of a certified copy of the order so removing or suspending him, or, in case he cannot be found, within twelve days from the mailing of such certified copy by registered mail

addressed to him at his last known address, apply to the commission for review of the case; the commission shall hear such appeal and it may affirm, set aside, amend or modify such order, or make such further order, as in its judgment the facts shall warrant. The decision of the commission upon any appeal shall be final. No officer or employee shall receive any compensation for the period of any suspension, unless after an appeal the commission shall so order. This section shall not apply to any appointment made for a probationary period. No member of the police department shall, aside from exercising the right to vote, support, advocate or aid in the election or defeat of any candidate for public office. Upon satisfactory proof of such prohibited activity being made to the appointing power by whom the offending member was appointed, the offending member shall be summarily dismissed from the police department.

[Sec. 2920.10.] Section 10. **Appropriations.** The board of supervisors shall appropriate and hold in a special fund for the use of the police department sums aggregating not less than two hundred sixty-five thousand dollars (\$265,000.00) per annum, together with such other sums as may be necessary to care for automatic pay increases, from such funds as are available by law for such purpose. The board of supervisors may from time to time, in its discretion, appropriate from the proper funds, additional moneys to be used by the police department.

Any moneys appropriated from the commission for any year remaining unexpended may be, at the discretion of the commission and notwithstanding any other provision of law to the contrary, carried over for its use during any subsequent period and need not be deducted from the amount hereinabove required to be appropriated for any year.

[Sec. 2920.11.] Section 11. **Disbursement of funds.** All moneys appropriated for the police department shall be disbursed by the county treasurer only upon warrants issued by the auditor on vouchers signed by the chairman or acting chairman of the commission or such officer or employee as the commission may authorize.

[Sec. 2920.12.] Section 12. **Hearings by commission.** In all investigations made by the commission and in all proceedings before it relative to the police department or the officers or employees thereof, the commission and each member thereof shall have the same powers respecting administering oaths, compelling the attendance of witnesses and the production of documentary evidence and examining witnesses

as are possessed by circuit judges at chambers. In case of disobedience by any person of any order of the commission or any member thereof or of any subpoena issued by it or him or of the refusal of any witness to testify to any matters regarding which he may be questioned lawfully, it shall be the duty of any circuit judge, on application by the commission or a member thereof, to compel obedience as in case of disobedience of the requirements of a subpoena issued from a circuit court or a refusal to testify therein. The fees and traveling expenses of witnesses shall be the same as are allowed witnesses in the circuit courts and shall be paid out of any appropriations available for the use of the police department.

[Sec. 2920.13.] Section 13. **Quarters.** The board shall make available to the police department sufficient and proper quarters in the police station in Hilo and in each district in the county for the use of the police department and shall maintain and keep the same in repair.

[Sec. 2920.14.] Section 14. **Pensions.** Any person employed in the police force (as that term is used in chapter 259, part 3, of the Revised Laws of Hawaii 1935, as amended) of the county immediately prior to the effective date of this Act, and not continued in employment by the chief of police or the commission and who would have been entitled to a pension under the terms of said chapter if dismissed from service without cause immediately prior to the effective date of this Act, shall be entitled to receive such pension as he would have been entitled to receive had he been so dismissed; and all persons who are members of the police force immediately prior to July 1, 1943, and are continued in employment in the police department shall have all the rights and benefits under the terms of chapter 259, part 3, of the Revised Laws of Hawaii 1935, as amended, or of chapter 260, as if this Act had not been enacted.

[Sec. 2920.15.] Section 15. **Salaries.** (1) The salary of each captain shall be \$3,000.00 per year, the salary of each lieutenant shall be \$2,700.00 per year, and the salary of each sergeant shall be \$2,400.00 per year.

(2) The annual salary of each patrolman shall be, except as hereinafter qualified, as follows:

Years of service in position	Patrolman
First	\$1800.00
Second	1860.00

Third	1920.00
Fourth	1980.00
Fifth and subsequent.....	2040.00

(3) In addition to the salaries hereinabove provided, each member of the police force, who from his own funds furnishes and regularly uses his own automobile in the performance of his official duties, shall be granted an allowance therefor by the commission a sum not lower than \$20.00 per month and not to exceed \$60.00 per month, shall be allowed gasoline and oil, based on official mileage, and shall have his public liability and property damage insurance paid for by the commission. Allowance for other means of transportation if furnished from the funds of and regularly used by a member of the police force shall be only such as may be determined by the commission.

(4) All original appointments of patrolmen shall be at the basic salary of \$1800.00 per year, and the first year of service shall be probationary. The annual salary increment hereinabove provided shall be effective upon the anniversary of appointment.

(5) No annual increase in salary shall be paid to any member of the police department unless in the opinion of the commission, after a report from the chief of police, such member has rendered satisfactory service.

(6) The salaries of necessary employees of the department which are not prescribed by this section shall be fixed by the commission.

Section 16. Transfer of property. All properties of every kind and nature and all records now in the custody and use of the sheriff of the county of Hawaii and his department are hereby transferred to the police department, and the commission may transfer back to the board of supervisors any property or records which may be found unnecessary for its use in carrying out its duties.

Section 17. Transfer of present appropriation. All appropriations made by the board of supervisors of said county for the use of the sheriff's department for the year 1943, are hereby transferred to the police department for its use during said year and to the extent thereof shall be considered an appropriation of a portion of the funds required to be made by said board as required by section 10 of this Act.

Section 18. Section 2805 of said Revised Laws is hereby amended to read as follows:

"Sec. 2805. Designation. The officers of each county shall be a board of supervisors, a county clerk who shall be ex officio

clerk of the board of supervisors, an auditor, a county attorney, a treasurer, and in the county of Kauai a sheriff who shall be ex officio coroner, and in the counties of Hawaii and Maui a chief of police who shall be ex officio coroner, and such other officers as may be provided by law; all of whom shall be elected or appointed as provided by law." [L. 1905, c. 39, s. 12; am. L. 1905, c. 54, s. 1; R.L. 1935, s. 2805; am. L. 1935, c. 104, s. 4; am. L. 1941, c. 185, s. 1; am. L. 1943, c. 62, s. 18.]

[**Sec. 2805**, also amended by Act 64, *supra*, page 124.]

Section 19. **Section 2816** of said Revised Laws, as amended, is hereby further amended by eliminating therefrom the offices of, and salaries payable to, the sheriff of the county of Hawaii and deputy sheriffs of the various districts of the county of Hawaii.

Section 20. **Section 2848** of said Revised Laws, as amended, is hereby further amended (1) by amending the first clause of the first sentence thereof to read "within each district of the county of Kauai" and (2) by deleting therefrom the sentence reading: "The deputy sheriff of the district of South Hilo of the county of Hawaii shall, ex officio, be the deputy sheriff of the county of Hawaii."

Section 21. Wherever (a) in the following sections of the Revised Laws of Hawaii 1935, to wit, sections 259, 518, 522, 749, 1157, 1158, 2157, 2413, 2494, 2529, 2541, 2542, 2547, 2842, 2844, 2846, 2847, 3652, 3725, 3791, 3913, 4190, 4402, 4403, 4405, 4406, 4409, 4551, 4582, 5036, 5444, 5448, 5460, 5481, 5542, 5551, 6289, 6401, 6461, 6462, 6465, 6839, 7790 and 7796 and, as to each of them as have been amended, as amended; (b) or in Act 234, Session Laws of Hawaii 1935, as amended, and Act 90, Session Laws of Hawaii 1935, as amended; or (c) in any other law of the Territory, or (d) in any ordinance of the county of Hawaii, or (e) in any rule or regulation of any public board or commission having the effect of law; the words "sheriff" or "deputy sheriff" appear, or reference is made to the sheriff or deputy sheriff, such words shall mean, and such reference shall be deemed to be made to, the chief of police of the county of Hawaii, or any of his subordinates thereunder duly authorized, as may be appropriate, in so far as the same apply to or concern the county of Hawaii.

Section 22. **Constitutionality.** If any section, subsection, sentence, clause or phrase of this Act is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Act. The legislature hereby declares that it would have approved this Act and

each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 23. This Act shall take effect upon July 1, 1943, provided that the members of the commission may be appointed at any time and that the commission may make its rules and regulations and that either the commission or the chief of police appointed by it may make appointments prior to July 1, 1943, and provided, further, that, in the event House Bill No. 123 becomes law and there is included in it compensation schedules for the members of the police department of the county of Hawaii, subsections (1), (2) and those provisions of subsection (4) dealing with the basic salary of patrolmen, subsections 5 and 6 of section 15 of this Act shall become ineffective.

(Approved April 26, 1943.) **S.B. 47, Act 62.**

HAWAII COUNTY DEPARTMENT OF PUBLIC WORKS.

[B-84] An Act to Amend Chapter 86 of the Revised Laws of Hawaii 1935, Creating a Department of Public Works of the County of Hawaii and Prescribing the Powers, Functions and Duties of the Department, Its Bureaus and Officers, and Amending Inconsistent Laws and Ordinances to Conform Thereto.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 86 of the Revised Laws of Hawaii 1935 is hereby amended by adding thereto a new subtitle and five new sections, reading as follows:

"Hawaii County Department of Public Works

"Sec. 2927.1. Department created; powers, duties and functions. There is hereby created a department of public works of the county of Hawaii, and hereafter referred to as the department. The department shall be vested with and have all the powers and duties now vested in the county engineer of the county by law, ordinance or otherwise pertaining or relating to the following:

"(a) Public building construction, plans, specifications and inspections; inspection of plans, specifications and applications for private building, plumbing or electrical permits, approval and granting of permits, billing of charges or fees for such permits,

including interest and penalty for delinquent accounts and filing copies of such charges with the county treasurer; repairs and maintenance of all public buildings;

“(b) Construction, plans, specifications, inspections, development, operation and maintenance of county water works and sewer systems; operation and maintenance of a garbage collection and disposal system; billing of all charges for water or sewer rates, cemetery plots, and for garbage collection and disposal, including interest and penalties for delinquent accounts and filing copies of such charges with the county treasurer;

“(c) Construction, plans, specifications, inspections, repairs and maintenance of and to all public highways, bridges, streets, street lights, sidewalks, curbs, roads, trails, lanes and footpaths; the billing of all charges for such construction or maintenance, including penalties and interest for delinquent accounts and filing copies of such charges with the county treasurer; the operation, repairs, maintenance and control of all county machine shops, garages, machinery, equipment, trucks, motor vehicles, materials and supplies now owned by, used or for the use of the county on all public construction or repairs and maintenance work, including the billing of charges for rental of machinery, equipment, trucks, motor vehicles, tools, etc., upon authorization of the board, such billing to include interest and penalties for delinquent accounts and filing copies thereof with the county treasurer;

“(d) Public surveys, plans and blueprints of public areas in the county used for county purposes, including the acquisition of public and private property required for county purposes and the acquisition of rights of way for road and other purposes and other public surveys, plans and blueprints;

“(e) Public parks, playgrounds and recreation areas, including buildings, equipment, materials and supplies thereon, the maintenance and upkeep thereof.

“Sec. 2927.2. Chief engineer. The chairman with the approval of the board shall appoint a chief engineer who shall be the head of the department and shall be vested with all the powers, duties and functions conferred on the department. He shall be a registered professional engineer and shall be paid a minimum monthly salary by the board of \$500.00. He shall file with the board, not later than January 31 of each year, a complete report of the activities of his department during the preceding year, including therein an inventory of all public property.

“Sec. 2927.3. First assistant engineer. A first assistant engineer shall be similarly appointed and with similar qualifi-

cations. He shall be under the direction of the chief engineer, receiving such salary as may be provided for by the board in compliance with the prevailing classification law, and shall have supervision over all heads of bureaus, assistants, clerks, and other employees employed by the department. He shall be the acting chief engineer during the temporary absence from the Territory of, or during a vacancy in the office of, the chief engineer.

"Sec. 2927.4. Bureaus created; functions, duties. There are hereby created five bureaus in the department, as follows:

"(a) Building construction and inspections.

"(b) Water works, sewers and sanitation.

"(c) Road construction and maintenance.

"(d) Plans and surveys.

"(e) Public parks, playgrounds and recreation.

"Each bureau shall have charge of and be responsible for the proper management of the matters specified in the corresponding subheads of section 1 of this Act, and each shall be under a bureau head appointed by the chairman, with the approval of the board. Additional bureaus may be created, and their powers, duties and functions prescribed, by the board, and additional appropriate functions for each bureau may be designated by the chief engineer with the prior approval of the board.

"All assistants, stenographers, clerical and other employees shall be similarly appointed, provided, that such of them as are now regularly employed, including employees on military or other lawful leaves without pay, in the department of the county engineer or the bureau of water works and sewers of said county shall be retained, all subject to dismissal only in accordance with the provisions of the laws of the Territory applicable to the dismissal of public employees, provided further, that this section shall not be construed to preclude the board from abolishing positions held by assistants, stenographers, clerical and other similar employees of the department.

"Sec. 2927.5. Salaries; bonds. Each bureau head, assistant, stenographer, clerical and other employee of the department shall be paid such monthly salary by the board as is in accordance with the provisions of any classification law in effect and applicable to the county of Hawaii.

"The board shall require a bond by each officer and bureau head, and may require a bond by any employee employed by the department, in such amounts as the board shall determine, conditioned by the faithful performance of the duties of their respective offices or positions. The premiums of such bonds shall be paid by the county."

Section 2. **Constitutionality.** If any section, sentence, clause or phrase of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act. The legislature hereby declares that it would have passed this Act and each and every section, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, sentences, clauses or phrases thereof be declared unconstitutional.

Section 3. **Repeal of conflicting provisions.** Every provision of law, ordinance, resolution, order, rule or custom inconsistent with the provisions of this Act is superseded by the provisions hereof, to the extent of such inconsistency.

Section 4. **Effective date.** This Act shall take effect on May 1, 1943.

(Approved March 18, 1943.) **S.B. 57, Act 13.**

**BUREAU OF PURCHASES AND SUPPLIES IN THE
COUNTY OF HAWAII.**

[B-85] An Act to Amend Chapter 86 of the Revised Laws of Hawaii 1935, as Amended by Act 65 (Series B-32) of the Special Session Laws of Hawaii 1941, Relating to the Bureau of Purchases in the County of Hawaii.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. That certain subtitle of chapter 86 of the Revised Laws of Hawaii 1935, which was enacted by Act 65 (Series B-32) of the Special Session Laws of Hawaii 1941, relating to the bureau of purchases in the county of Hawaii, is hereby amended in the following particulars and respects:

1. By amending sections 2933 and 2933-B to read as follows:

"Sec. 2933. Organization of bureau of purchases and supplies for the county of Hawaii. There is hereby created in the county of Hawaii a bureau, to be known as the bureau of purchases and supplies, the chief administering head of which shall be the county purchasing agent. The purchasing agent shall be appointed by the chairman of the board of supervisors, with the approval of the board, and shall be deemed a department head under the provisions of Act 187, Session Laws of Hawaii 1939, Part III, section 17, subsection (d). The purchasing agent shall receive such salary and remuneration as may be fixed by the board of supervisors of the county and shall be required to give official bond in the amount of ten thousand dollars (\$10,000.00), conditioned upon the faithful

performance of his duties.” [Sp. L. 1941, c. 65, pt. of s. 1; am. L. 1943, c. 114, pt. of s. 1.]

[See Act 134, *infra*, page 312.]

“Sec. 2933-B. General powers and duties of the purchasing agent. The county purchasing agent shall have the aid of such assistants as the chairman of the board of supervisors, with the approval of the board, may appoint, after provision has been made for such assistants by the board of supervisors. The county purchasing agent and such assistants shall be under the direct control and authority of the chairman of the board.

“It shall be the duty of the county purchasing agent, under the direction of the chairman of the board, to purchase all supplies and materials needed by any and all departments and establishments of the county, including county hospitals.” [Sp. L. 1941, c. 65, pt. of s. 1; am. L. 1943, c. 114, pt. of s. 1.]

2. By amending **section 2933-C** thereof by deleting the word “equipment” in the third and seventh lines thereof and by substituting for the words “materials, supplies or equipment” in the twelfth line of said section the words “materials or supplies”.

3. By amending **section 2933-D** thereof by deleting the word “equipment” in the third and sixth lines of said section, and by deleting the third and fifth paragraphs of said section.

4. By deleting and repealing **section 2933-E**.

5. By amending **section 2933-F** thereof:

(a) By deleting the first two paragraphs of said section and inserting in lieu thereof one paragraph reading as follows:

“Sec. 2933-F. Inventories, surplus, stock. All using agencies shall submit to the county purchasing agent, at such times and in such form as he shall prescribe, reports showing stocks of supplies and materials in use and on hand awaiting use. When any stock is surplus or not longer of use to any using agency, the purchasing agent may transfer it to another or other agencies which have need of it, making proper accounting for the value of the stock so transferred.”

(b) By substituting for the words “supplies, materials, or equipment” in the second and third lines of the last paragraph of said section the words “supplies or materials”.

6. By deleting and repealing **section 2933-G** thereof.

7. By amending **section 2933-H** by substituting for the words “supplies, materials and equipment”, in the second and third lines of said section, the words “supplies and materials”, and by substituting for the word “auditor”, wherever it appears therein, the words “board of Supervisors”.

8. By deleting the second paragraph of **section 2933-I** thereof.

9. By amending **section 2933-J** by substituting for the words "supplies, materials or equipment" in the third and fourth lines of said section the words "supplies or materials", and by substituting for the words "by the auditor" in the seventh line of said section, the words "finally approved by the board of supervisors".

10. By amending **section 2933-K** by deleting from the third line thereof the words "county auditor and the".

Section 2. All laws or parts of laws inconsistent with this Act are amended to conform with this Act.

Section 3. This Act shall take effect upon its approval.

(Approved May 4, 1943.) **S.B. 74, Act 114.**

Title XIII. HONOLULU GOVERNMENT.

CHAPTER 88. CITY AND COUNTY OF HONOLULU.

POWERS OF THE SUPERVISORS.

[Sec. 3021, amended by Act 102, infra, page 159, and Act 120, supra, page 111.]

[B-86] An Act to Repeal Sections 3029 to 3035, Inclusive, of the Revised Laws of Hawaii 1935, as Amended, Relating to House Numbers in the City and County of Honolulu and Granting to the Board of Supervisors of the City and County of Honolulu the Power to Regulate House Numbering.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Sections 3029 to 3035**, inclusive, of the Revised Laws of Hawaii 1935, as amended, are hereby repealed.

Section 2. **Section 3021** of the Revised Laws of Hawaii 1935, as amended, is hereby further amended by adding thereto a new subsection which shall be appropriately numbered and shall read as follows:

"To regulate the numbering of all houses and places of business in the City and County of Honolulu."

Section 3. This Act shall take effect upon its approval.

(Approved April 24, 1943.) **H.B. 324, Act 58.**

SALARIES.

[B-87] An Act to Amend Chapter 88 of the Revised Laws of Hawaii 1935, as Amended, by Amending Section 3046 Thereof, and by Adding Thereto a New Section to Be Numbered 3046-K, Relating to Salaries of Officers of the City and County of Honolulu.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 3046**, of chapter 88 of the Revised Laws of Hawaii 1935, as amended in toto by Act 95 (Series B-24) of the Special Session Laws of Hawaii 1941, is hereby further amended by deleting therefrom the following words and figures:

"City and county attorney.....	\$7,500 00
Public prosecutor	7,500.00
Chief of police.....	7,500.00
Chief engineer (fire department).....	6,900.00".

Section 2. Chapter 88 of the Revised Laws of Hawaii 1935, as amended, is hereby further amended by adding thereto a new section to be numbered 3046-K, to read as follows:

"**Sec. 3046-K. Salaries of appointive officers.** The city and county attorney, the public prosecutor, the city and county controller, the chief of police and the chief of the fire department shall each receive an annual salary of not less than \$7,500 00, provided, however, that such salaries shall be increased annually by the police commission in the case of the chief of police and by the board of supervisors in the case of the other officials herein named in accordance with the compensation schedules which were in effect in the city and county of Honolulu, by ordinance, immediately prior to the effective date of Act 88 of the Special Session Laws of Hawaii 1941."

Section 3. This Act shall take effect upon its approval, provided, however, that the annual increases hereby authorized shall be authorized as of January 1, 1943, and provided further that, in calculating the extent of such annual increases, prior service credit shall be granted to all incumbents of the above mentioned offices for services performed in such offices at any time subsequent to November 1, 1941, upon the basis of the salaries then being paid to such incumbents for such services, and, provided further, that this Act shall become effective with respect to the chief of police and the chief of the fire department only in event that House Bills Nos. 2 and 7 as finally passed by the Senate shall fail to become law.

(Approved May 10, 1943.) **H.B. 34, Act 147.**

[B-88] An Act Relating to the Salaries and Allowances of Officers and Members of the Police Department of the City and County of Honolulu, Amending Sections 3046A, 3046B and 3046C of the Revised Laws of Hawaii 1935, as Enacted Respectively by Section 1, as Amended, Section 2 and Section 3, of Act 78 (Series B-75) of the Session Laws of Hawaii 1937, as Amended, and Amending Chapter 88 of the Revised Laws of Hawaii 1935, as Amended.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 3046A of the Revised Laws of Hawaii 1935, as enacted by section 1 of Act 78 (Series B-75) of the Session Laws of Hawaii 1937, as amended by section 6 of Act 95 (Series B-24) and by section 1 of Act 22 (Series B-36) of the Special Session Laws of Hawaii 1941, is hereby amended to read as follows:

"Sec. 3046A. Salaries of officers and members of the police department. The annual salaries of the officers and members of the police department of the City and County of Honolulu shall be as follows:

Chief of Police.....	\$8,000.00
Assistant Chief of Police.....	5,400.00
Captain of Detectives.....	5,000.00
Captains of Police.....	4,200.00 each
Desk Lieutenants and Lieutenants of Detectives	3,900.00 each
Field Lieutenants	3,600.00 each
Dispatch Sergeants	3,500.00 each
Sergeants of Police, Detectives, Police Reporters, Radio Mechanics—	
3100.00 each for the 1st year of service	
3200.00 each for the 2nd, 3rd and 4th years of service	
3300.00 each for the 5th to 9th years of service, inclusive, and	
3400.00 each for the 10th and subsequent years of service	
Motorcycle Officers—	
2580.00 each for the 1st year of service	
2700.00 each for the 2nd and 3rd years of service	
2820.00 each for the 4th and 5th years of service	
2940.00 each for the 6th and 7th years of service	
3060.00 each for the 8th and 9th years of service, and	
3180.00 each for the 10th and subsequent years of service	
Patrolmen Clerks—	
2520.00 each for the 1st year of service	
2640.00 each for the 2nd and 3rd years of service	
2760.00 each for the 4th and 5th years of service	

2880.00 each for the 6th and 7th years of service
3000.00 each for the 8th and 9th years of service, and
3120.00 each for the 10th and subsequent years of service

Patrolmen and Police Women

2400.00 each for the 1st year of service
2520.00 each for the 2nd and 3rd years of service
2640.00 each for the 4th and 5th years of service
2760.00 each for the 6th and 7th years of service
2880.00 each for the 8th and 9th years of service, and
3000.00 each for the 10th and subsequent years of service.”
[L. 1937, c. 78, s. 1; am. Sp. L. 1941, c. 22, s. 1; am. Sp. L. 1941,
c. 95, s. 6; am. L. 1943, c. 144, s. 1.]

Section 2. Section 3046B of the Revised Laws of Hawaii 1935, as enacted by section 2 of Act 78 (Series B-75) of the Session Laws of Hawaii 1937, is hereby amended to read as follows:

“Sec. 3046B. Appointments probationary for one year. All original appointments to service in the police department in the City and County of Honolulu shall be probationary during the first year of service.” [L. 1937, c. 78, s. 2; am. L. 1943, c. 144, s. 2.]

Section 3. Chapter 88 of the Revised Laws of Hawaii 1935, as amended, is hereby further amended by adding a new section to read as follows:

“Sec. 3046B-1. Years of service. The years of service of each officer and member of the police department of the City and County of Honolulu shall be computed annually beginning with the date of appointment of such officer and member to service in the department. Upon any officer or member of the department being promoted or demoted he shall be given full credit for years of service in the department and shall be entitled to receive the salary of the rank to which he is promoted or demoted as though his entire service in the department had been in that rank.”

Section 4. Chapter 88 of the Revised Laws of Hawaii 1935, as amended, is hereby further amended by adding a new section to read as follows:

“Sec. 3046B-2. Military leaves of absence included in years of service. Officers and members of the police department of the City and County of Honolulu on military leaves of absence shall be credited with time so spent in computing their years of service.”

Section 5. **Section 3046C** of the Revised Laws of Hawaii

1935, as enacted by section 3 of Act 78 (Series B-75) of the Session Laws of Hawaii 1937, as amended by Act 242 (Series B-79), Session Laws of Hawaii 1939, and as amended by Act 22 (Series B-36), Special Session Laws of Hawaii 1941, is hereby further amended by deleting the first paragraph thereof.

Section 6. Appropriations. The board of supervisors is hereby authorized and directed to increase the lump sum directed by law to be appropriated for use of the police department by the amount the salaries of the officers and members of said department are increased by the terms hereof over the salaries paid for like positions on January 1, 1943.

Section 7. Effective date and adjustment of salaries thereon. This Act shall take effect upon its approval provided that years of service rendered in the police department of the City and County of Honolulu prior to said effective date shall be included in computing the salaries of the present members and officers of the department; provided, however, that the salaries of officers and members of the department as provided in section 1 hereof shall not reduce the present salary of any member or officer of the police department; and provided, further, that, in the event House Bill No. 123 becomes law and there is included in it compensation schedules for the members of the police department of the City and County of Honolulu, this Act shall become ineffective.

(Approved May 10, 1943.) **H.B. 2, Act 144.**

[B-89] An Act Relating to the Salaries of Officers and Members of the Fire Department of the City and County of Honolulu and Amending Sections 3046 D, E, and F of the Revised Laws of Hawaii 1935, as Enacted Respectively by Section 4, as Amended, Section 5, and Section 6, as Amended, of Act 78 (Series B-75) of the Session Laws of Hawaii 1937, and Amending Chapter 88 of the Revised Laws of Hawaii 1935, as Amended.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 3046-D of the Revised Laws of Hawaii 1935, as enacted by section 4 of Act 78 (Series B-75) of the Session Laws of Hawaii 1937, as amended by Act 95 (Series B-24) of the Session Laws of Hawaii, Special Session 1941, is hereby amended to read as follows:

"Sec. 3046-D. Salaries of officers and members of fire department.

The annual salaries of the officers and members of the fire department of the City and County of Honolulu shall be as follows:

Chief Engineer	\$8000.00
First Assistant Chief Engineer.....	5400 00
Second Asst. Chief Engineer.....	5400.00
Captain	3900.00
Lieutenant	3600.00
Engineer	3300.00
Mechanic	4000.00
Assistant Mechanic	3750 00
Radio Mechanic	3300.00
Hosemen, Drivers, Clerks and Operators—	
1 year	2400.00
2-3 years	2520.00
4-5 "	2640.00
6-7 "	2760.00
8-9 "	2880 00
10 years	3000.00"

[L. 1937, c. 78, s. 4; am. Sp. L. 1941, c. 95, s. 7; am. L. 1943, c. 145, s. 1.]

Section 2. Section 3046-E of the Revised Laws of Hawaii 1935, as enacted by Act 78 (Series B-75) of the Session Laws of Hawaii 1937, is hereby amended to read as follows:

"Sec. 3046-E. Appointments probationary for six months.

All original appointments to service in the fire department of the City and County of Honolulu shall be probationary during the first half year of service." [L. 1937, c. 78, s. 5; am. L. 1943, c. 145, s. 2.]

Section 3. Section 3046-F of the Revised Laws of Hawaii 1935, as enacted by Act 78 (Series B-75) of the Session Laws of Hawaii 1937, as amended by Act 242 (Series B-79) of the Revised Laws of Hawaii 1939, is hereby amended to read as follows: [Sic]

"Sec. 3046-F. Years of service on calendar basis.

Years of service shall be computed on a calendar year basis from the date of the original appointment to service in the fire department of the City and County of Honolulu." [L. 1937, c. 78, s. 6; am. L. 1939, c. 242, pt. of s. 4; am. L. 1943, c. 145, s. 3.]

Section 4. Chapter 88 of the Revised Laws of Hawaii 1935, as amended, is hereby further amended by adding a new section to read as follows:

“Sec. 3046-F-1. Military leaves of absence included in years of service.

Officers and members of the fire department of the City and County of Honolulu on military leaves of absence shall be credited with time so spent in computing their years of service.”

Section 5. Effective date of adjustment of salaries thereon. This Act shall take effect upon its approval provided that years of service rendered in the fire department of the City and County of Honolulu prior to said effective date shall be included in computing the salaries of the present officers and members of the said department; and provided, further, that in the event House Bill No. 123 becomes law and there is included in it compensation schedules for the members of the fire department of the City and County of Honolulu, this Act shall become ineffective.

(Approved May 10, 1943.) **H.B. 7, Act 145.**

CONTROLLER.

[B-90] An Act to Amend Section 3067.04 of the Revised Laws of Hawaii 1935, as Enacted by Act 242 (Series B-79) of the Session Laws of Hawaii 1939, Relating to Custody and Examination of Official Bonds in the City and County of Honolulu.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 3067.04** of the Revised Laws of Hawaii 1935, as enacted by Act 242 (Series B-79) of the Session Laws of Hawaii 1939, is hereby amended by adding thereto, immediately following the first sentence thereof, two new sentences to read as follows:

“All such bonds, except the bonds of the mayor and members of the board of supervisors, shall be subject to approval as to form and sufficiency by the controller. The controller may contract for the best possible premium rates therefor and may contract for premium rates for more than one bond at the same time or may contract for the blanket or name schedule or position schedule coverage of all bonded officers and employees, other than officers whose terms of office are fixed and limited by law. Any such blanket or name schedule or position schedule bond covering a group or groups of employees need not be in the form prescribed by section 2310, Revised Laws of Ha-

SERIES B-90.—ACT 11]
 SERIES B-91.—ACT 46]
 SERIES B-92.—ACT 9]

waii 1935, but may be in such form, as may be approved by the mayor and board of supervisors."

Section 2. This Act shall take effect upon its approval.

(Approved March 17, 1943.) **H.B. 48, Act 11.**

[B-91] An Act to Amend Section 3067.05 of the Revised Laws of Hawaii 1935, as Amended by Act 246 (Series B-115), Session Laws of Hawaii 1941, Relating to Reports of the Controller of the City and County of Honolulu and the Audit Thereof by the City and County Auditor.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 3067.05 of the Revised Laws of Hawaii 1935, as amended by Act 246 (Series B-115) of the Session Laws of Hawaii 1941, is hereby further amended by adding thereto, immediately following the second sentence thereof, a new sentence to read as follows:

"If such audit report shall not have been received by the controller within sixty (60) days from the date of written notification by the controller to the auditor that the controller's financial report and his records and accounts are ready for audit, such annual report shall thereupon be printed or otherwise duplicated and distributed by the controller, together with a certification by the controller that such audit report has not been made and filed as required by this section."

Section 2. This Act shall take effect upon its approval.

(Approved April 20, 1943.) **H.B. 49, Act 46.**

[B-92] An Act to Amend Sections 3067.09 and 3120 of the Revised Laws of Hawaii 1935, as Amended by Act 242 (Series B-79) of the Session Laws of Hawaii 1939, Relating to the Salary Ordinance and Employment and Fixing of Salaries Thereunder in the Government of the City and County of Honolulu.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 3067.09 of the Revised Laws of Hawaii 1935, as enacted by Act 242 (Series B-79) of the Session Laws of Hawaii 1939, is hereby amended to read as follows:

"Sec. 3067.09. Salary Ordinance. The number and ranges and rates of compensation for all positions, which term as used in this subtitle includes offices, shall be established and enumerated in a salary ordinance, which shall be amended annually, or from time to time as necessary, to include all positions in city and county departments and offices under the legislative control of the board of supervisors which are continued or created by the board of supervisors in adopting each annual budget and each annual or supplementary appropriation ordinance. Any amendment of the salary ordinance necessary to conform to the budget or to any annual or supplementary appropriation ordinance shall be passed at the same time, as nearly as practicable, as such annual budget, or annual or supplementary appropriation ordinance is passed. Such ordinance shall be subdivided for each department or office and each organization subdivision thereof. The number of positions enumerated therein shall be segregated by classes and the positions in any department or office under any such class shall not be listed individually or subdivided, except where necessary to show varying ranges of pay for employments included in any such class. Any increase or decrease in the number of positions allowed for any department or office and any changes resulting from reclassification of positions may be covered by amendment of the appropriate section of the salary ordinance. The rates of compensation fixed from time to time for positions which are not included within the compensation schedules established by the Classification Act of 1941, or any amendments thereof, shall likewise be established by appropriate amendments of the salary ordinance but increases in compensation allowed under the provisions of Section 8 of said Classification Act need not be set forth in detail in the ordinance. The said ordinance and applicable statutes shall constitute the legal basis for check as to the legality of the creation of or employment in any position in the city and county service and the rate of compensation fixed therefor." [L. 1939, c. 242, pt. of s. 4; am. L. 1943, c. 9, s. 1.]

[Sec. 3067.10, amended by following Act.]

Section 2. Section 3120 of the Revised Laws of Hawaii 1935, as amended by Act 242 (Series B-79) of the Session Laws of Hawaii 1939, is hereby further amended to read as follows:

"Sec. 3120. Employment without authorization prohibited; salaries fixed by ordinance. No officer, board or department shall appoint or employ any person in any position not previously authorized by ordinance or temporarily authorized by resolution for a period of not to exceed sixty days pending amendment of the salary ordinance. The salary of all posi-

tions shall be as fixed by ordinance, and applicable statutes.”
 [L. 1907, c. 118, s. 145; am. L. 1919, c. 62, s. 16; R.L. 1935,
 s. 3120; am. L. 1939, c. 242, pt. of s. 4; am. L. 1943, c. 9, s. 2.]

Section 3. This Act shall take effect upon its approval.

(Approved March 13, 1943.) **H.B. 47, Act 9.**

[B-93] An Act to Amend Section 3067.10 of the Revised Laws of Hawaii 1935, Relating to the Annual Budget and Appropriation Ordinance of the City and County of Honolulu.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 3067.10 of the Revised Laws of Hawaii 1935, as enacted by Act 242 (Series B-79) of the Session Laws of Hawaii 1939, is hereby amended by amending the second sentence of the sixth paragraph thereof, being the fifth full paragraph appearing on page 148 of said Session Laws of Hawaii 1939, to read as follows:

“If the appropriation ordinance as submitted by the mayor is amended by the board of supervisors, the portions thereof so amended shall be readvertised prior to final reading or passage, in the same manner required for the original appropriation ordinance; provided however, that the appropriation ordinance need not be readvertised subsequent to its final adoption and approval.”

Section 2. This Act shall take effect upon its approval.

(Approved April 19, 1943.) **H.B. 246, Act 42.**

AUDITOR.

[B-94] An Act to Amend Section 3068 of the Revised Laws of Hawaii 1935, as Amended by Act 242 (Series B-79) of the Session Laws of Hawaii 1939, Relating to the Issuance of Warrants and the Making of Audits and Audit Reports by the Auditor of the City and County of Honolulu.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 3068 of the Revised Laws of Hawaii 1935, as amended by Act 242 (Series B-79) of the Session Laws of Hawaii 1939, is hereby further amended to read as follows:

"Section 3068. Warrants, Audits. The Auditor shall draw all warrants and maintain a record of same; but no warrant on the Treasury shall be drawn by him until after preaudit and written approval of the claim which it is intended to pay, by the Controller. The Auditor shall between the first and tenth day of each month examine the books of the Treasurer, and, at least once in each calendar year, shall audit the accounts of all boards, officers and employees of the city and county charged in any manner with the custody, collection or disbursement of funds, provided that he shall make a monthly audit of each departmental revolving fund. All such audit reports shall, upon completion, be submitted to the Mayor, members of the Board of Supervisors and Controller for necessary action." [L. 1907, c. 118, s. 84; R.L. 1935, s. 3068; am. L. 1939, c. 242, pt. of s. 4; am. L. 1943, c. 15, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved March 20, 1943.) **H.B. 50, Act 15.**

[Sec. 3120, amended by Act 9, supra, page 146.]

CITY PLANNING COMMISSION

[B-95] An Act to Amend Chapter 88, Revised Laws of Hawaii 1935, by Amending Sections 3133.3, 3133.4 and 3133.5 Thereof, as Enacted by Act 242 of the Session Laws of Hawaii 1939, and by Adding Thereto a New Section to Be Numbered Section 3133.7A, all relating to the Master Plan of the City of Honolulu.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 3133.3 of chapter 88, Revised Laws of Hawaii 1935, as enacted by Act 242 of the Session Laws of Hawaii 1939, and as amended by Act 323 of the Session Laws of Hawaii 1941, is hereby further amended to read as follows:

"Sec. 3133.3. Master plan of the city. As soon as practicable, but not later than December 31, 1945, the commission shall prepare and thereafter from time to time may modify, a master plan of the city of Honolulu, as defined in section 3001, and of such other areas of the city and county as may be made subject thereto pursuant to the procedure therefor provided in section 3133.4, which shall show desirable streets, roads, highways, and the grades thereof, bridges, parks, parkways, and other public ways, playgrounds, sites for public buildings and

other structures, building zone districts, use zone districts, waterways, routes of street railroads, omnibus and other public carriers, (provided that such plan shall not affect heretofore legally authorized routes), locations of drainage systems, sewers, sewage treatment plants, incinerators, water conduits, and other public utilities, privately or publicly owned, and such other features, changes and additions as will provide for the improvement of the city and its future growth and development, and afford adequate facilities for the housing, transportation, distribution, comfort, convenience, health and welfare of its population; provided, however, that street grades and public utilities may be shown on the master plan or any part thereof subsequent to the time of the adoption by the commission of the master plan or such part thereof. The commission may adopt the master plan as a whole or may from time to time adopt a part or parts thereof. Before adopting the master plan or any part or modification thereof, the commission shall hold a public hearing or hearings, published notice of each of which, (except an adjourned meeting), shall be given. The master plan and all modifications thereof shall be kept on file in the office of the commission." [L. 1939, c. 242, pt. of s. 4; am. L. 1941, c. 323, s. 1; am. L. 1943, c. 148, s. 1.]

[See Act 63, following this Act.]

Section 2. **Section 3133.4** of chapter 88, Revised Laws of Hawaii 1935, as enacted by Act 242 of the Session Laws of Hawaii 1939, is hereby amended by amending the first sentence thereof to read as follows:

"After the adoption of the master plan or any part thereof, no public improvement or project, including any territorial project affecting the master plan, shall be initiated unless it conforms to the master plan or is otherwise authorized in this subtitle; provided, however, that in case of a conflict between the master plan and any present or future Federal aid project, the Governor by executive order may set aside the master plan to the extent that such conflict prevents the obtaining or the granting of Federal aid on any such project or the prosecution of the work thereunder."

Section 3. **Section 3133.5** of chapter 88, Revised Laws of Hawaii 1935, as enacted by Act 242 of the Session Laws of Hawaii 1939, is hereby amended to read as follows:

"**Sec. 3133.5. Approval of subdivisions.** After the date of the adoption of the master plan or any part thereof, as provided in section 3133.3, no map of the subdivision of land within any area covered by the master plan, shall be received for recordation or filing in the office of the registrar of conveyances or the assistant registrar of the land court unless such

map shall have been approved by authority of the commission. As used in this subtitle the word 'subdivision' means any plan for the division of a tract of land into smaller parcels in order to sell, lease or rent any of such parcels. Any such map not acted upon within fifteen days from its submission shall be deemed to have been approved, and a certificate to that effect shall be issued by authority of the commission on demand, provided that the applicant for the commission's approval may waive this requirement and consent to the extension of such period. No map shall be disapproved unless the same fails to conform to the master plan or unless the plan of any subdivision shown on such map is contrary to the subdivision regulations adopted by the commission under section 3133.6. The grounds of the disapproval of any such map shall be stated in the minutes or other records of the commission. If the commission shall disapprove any such map the applicant for such approval may present the same to the board of supervisors for approval within ten days after the disapproval thereof by the commission by filing such map in the office of the clerk of the city and county, and the board of supervisors may approve such map, but only by the affirmative vote of at least five of its members." [L. 1939, c. 242, pt. of s. 4; am. L. 1943, c. 148, s. 3.]

Section 4. Chapter 88 of the Revised Laws of Hawaii 1935, as amended, is hereby further amended by adding thereto a new section, to be numbered section 3133.7A, reading as follows:

"Sec. 3133.7A. Issuance of permits for and installation of service utilities in unapproved subdivisions. No permit shall be issued to cut a curb, tap a water or sewer line, or to install any water, lighting or sewer facilities in any subdivision within the area covered by the master plan or any part thereof, unless such subdivision shall have been approved by the commission under section 3133.5."

Section 5. This Act shall take effect upon its approval.

(Approved May 10, 1943.) **H.B. 52, Act 148.**

[B-95A] An Act to Ratify, Confirm and Validate Certain Sections of the Master Plan of the City of Honolulu Adopted by the City Planning Commission of the City and County of Honolulu.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. All sections or parts of the master plan of the

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PARK BOARD.

SERIES B-95A.—ACT 63]
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City of Honolulu heretofore adopted by the city planning commission of the City and County of Honolulu, namely:

- Section 1—McCully-Kapahulu
- Section 2—Ala Moana-Kewalo
- Section 3—Kalia-Waikiki
- Section 4—Waikiki-Diamond Head
- Section 5—Manoa-Woodlawn
- Section 6—Upper and Lower Manoa
- Section 8—Kalihi-uka
- Section 9—Kapalama

are hereby ratified, confirmed and validated, any provision or provisions in sections 3133.2, 3133.3 and 3133.4 of the Revised Laws of Hawaii 1935, to the contrary notwithstanding.

Section 2. This Act shall take effect upon its approval.

(Approved April 27, 1943.) **H.B. 51, Act 63.**

CHAPTER 93. PARK BOARD.

[B-96] An Act to Amend Section 3234 of the Revised Laws of Hawaii 1935, as Amended, Relating to Income From Operation of Parks in the City and County of Honolulu.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 3234 of the Revised Laws of Hawaii 1935, as amended, is hereby further amended to read as follows:

“Sec. 3234. **Income from operation of parks.** The park board is authorized to lease or rent or grant concessions to any park areas or improvements that may be deemed by it in the interests of the city, and all revenues derived from concessions and leases and the proceeds from the sale of park board personal property shall be deposited in the general fund and shall be appropriated by the board of supervisors for the use of the park board in addition to any other appropriations required by law to be made for said board. Any unexpended balances of such special revenues existing at the end of any fiscal year shall be reappropriated for the use of the park board during the next succeeding year.” [L. 1931, c. 175, pt. of s. 2; R.L. 1935, s. 3234; am. L. 1935, c. 196, s. 8; am. L. 1939, c. 242, pt. of s. 6; am. L. 1943, c. 47, s. 1.]

Section 2. This Act shall take effect upon its approval, as of January 1, 1943 and any moneys in the park board special fund of the City and County of Honolulu shall be transferred to the general fund and appropriated as hereby required.

(Approved April 20, 1943.) **H.B. 245, Act 47.**

CHAPTER 94. POLICE DEPARTMENT.

[B-97] An Act to Amend Chapter 94 of the Revised Laws of Hawaii 1935, as Amended, Relating to the Honolulu Police Department, by Amending Section 3241, as Amended, and Section 3242 Thereof, and by Inserting Therein a New Section Which Shall Be Designated Section 3251.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 94 of the Revised Laws of Hawaii 1935, as amended, is hereby further amended by amending section 3241 thereof, as amended, to read as follows:

"Sec. 3241. Police commission. Appointment. A police commission is created to consist of five members, all of whom shall not belong to the same political party at the time of appointment. The members of the commission shall be appointed, and may be removed, by the Governor in the manner provided by section 80 of the Organic Act. No member of the commission shall be a salaried officer or employee of the Territory or any political subdivision thereof. Any member becoming a candidate for any elective office ipso facto vacates his office as such member. Each commissioner must be at the time of his appointment an elector of the city and county and must have been such for at least three years next preceding his appointment. The commissioners shall serve without remuneration, but may be reimbursed for their reasonable traveling and other expenses incurred in the discharge of their duties. The commission may employ such clerks, employees, and other assistants at such salaries as it may find necessary." [L. 1932, 1st, c. 1, pt. of s. 1; R.L. 1935, s. 3241; am. L. 1939, c. 242, pt. of s. 7; am. L. 1943, c. 184, s. 1.]

Section 2. Chapter 94 of the Revised Laws of Hawaii 1935, as amended, is hereby further amended by amending section 3242 thereof, to read as follows:

"Sec. 3242. Term of office. One commissioner shall be appointed for a term to expire March 30, 1945, two for a term

to expire March 30, 1947, and two for a term to expire March 30, 1949. Upon the expiration of the term of each commissioner, his successor shall be appointed for a term to expire six years from date of the expiration of the preceding term. Any vacancy in the commission occurring otherwise than by expiration of a term of office shall be filled for the remainder of such unexpired term." [L. 1932, 1st, c. 1, pt. of s. 1; R.L. 1935, s. 3242; am. L. 1939, c. 242, pt. of s. 7; am. L. 1943, c. 184, s. 2.]

[Sec. 3250, amended by following Act.]

Section 3. Chapter 94 of the Revised Laws of Hawaii 1935, as amended, is hereby further amended by inserting therein a new section which shall be designated section 3251, to read as follows:

"Sec. 3251. [Appropriations may be carried over.] Any moneys appropriated for any year remaining unexpended may, at the discretion of the commission, be carried over for its use during any subsequent period and need not be deducted from the amount required to be appropriated for any year."

[Sec. 3251A.] Section 4. **[Automobile allowance and insurance.]** In addition to the salaries provided for the members of the police department, each member of the police department, who from his own funds furnishes and regularly uses his own automobile in the performance of his official duties, shall be granted an allowance therefor at rates established by the commission, with the approval of the governor, shall be allowed gasoline and oil, based on official mileage, and shall have his public liability and property damage insurance paid by the commission.

Section 5. Section 2 of Act 22, Special Session Laws of Hawaii 1941, is hereby repealed.

Section 6. As soon as practicable after the effective date of this Act, the Governor shall make new appointments of members of the Honolulu police commission in conformity with the provisions of this Act, relating to the initial appointments of such members.

Section 7. This Act shall take effect upon its approval.

(Approved May 12, 1943.) **S.B. 50, Act 184.**

HONOLULU POLICE DEPARTMENT.
APPEAL AND ERROR.

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[SERIES B-98.—Act 6
[SERIES C-99.—Act 98

[B-98] An Act Amending Section 3250, Revised Laws of Hawaii 1935, Relating to Honolulu Police Department.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 3250 of the Revised Laws of Hawaii 1935, is hereby amended by adding a new sentence at the end thereof to read as follows:

"The foregoing provisions relating to political activities shall not apply to part-time officers or part-time employees without compensation or with nominal compensation serving during any public emergency declared by the Governor of the Territory of Hawaii or during any war in which the United States of America takes part."

Section 2. This Act shall take effect upon approval.

(Approved March 9, 1943.) H.B. 21, Act 6.

Title XIV. APPEAL AND
ERROR.

CHAPTER 96. APPEALS: BONDS.

BONDS ON APPEAL, EXCEPTION, NEW TRIAL, ERROR.

[C-99] An Act to Amend Section 3505 of the Revised Laws of Hawaii 1935, Relating to Bonds on Appeal, Exceptions, New Trial, or Error.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Amend section 3505 of the Revised Laws of Hawaii 1935, by adding a new paragraph to read as follows:

"The word 'bond' shall be construed to include coin, currency, or certified check for all purposes of this chapter."

Section 2. This Act shall take effect upon its approval.

(Approved April 30, 1943.) H.B. 341, Act 98.

Title XV. COURTS.

CHAPTER 102. SUPREME COURT.

PRACTITIONERS IN DISTRICT COURTS.

[C-100] An Act Amending Section 3613 of the Revised Laws of Hawaii 1935, as Amended, Relating to the Admission of District Court Practitioners.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 3613 of the Revised Laws of Hawaii 1935, as amended, is hereby further amended by amending the last paragraph thereof to read as follows:

"All such practitioners shall be licensed to practice during good behavior; provided, however, that all licenses to practice in the district courts heretofore issued and now unrevoked shall continue in force and effect, subject, however, to cancellation and revocation as by law provided; and further provided, however, that from and after the second day of January, 1940, no new or additional such practitioners shall be licensed to practice in any district court within the first judicial circuit, other than in the district court of Kalawao."

Section 2. This Act shall take effect upon its approval.

(Approved April 19, 1943.) S.B. 29, Act 38.

CHAPTER 103. CIRCUIT COURTS.

CIRCUITS, JUDGES, SESSIONS, ETC.

[C-101] An Act to Amend Chapter 103 of the Revised Laws of Hawaii 1935, Relating to Circuit Courts, and Chapter 112 of Said Revised Laws, Relating to Salaries and Expenses, by Expanding the Third Judicial Circuit to Include the Island of Hawaii; by Transferring All Powers, Duties and Jurisdiction of the Judge and Circuit Court of the Fourth Judicial Circuit as Said Circuit Previously Existed to the Judge and Circuit Court Respectively of the Third Judicial Circuit as Herein Defined; by Providing for the Place and Manner in Which the Term of Said Circuit Court Shall Continue and Be Held and the Manner of Selection of Grand Jurors and Trial

Jurors; and by Providing for the Payment of Salaries and Expenses of Said Circuit Court.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 103 of the Revised Laws of Hawaii 1935 is hereby amended in the following respects:

(a) By amending section 3630 thereof to read as follows:

"Sec. 3630. Judicial circuits. The Territory is divided into four judicial circuits, as follows:

1. The first judicial circuit is the island of Oahu and all other islands belonging to the Territory not hereinafter mentioned, and the district of Kalawao on the island of Molokai;

2. The second judicial circuit includes the island of Maui, Molokai (except the Kalawao district), Lanai, Kahoolawe and Molokini;

3. The third judicial circuit includes the island of Hawaii;

4. The fifth judicial circuit includes the islands of Kauai and Niihau." [L. 1892, c. 57, s. 29; am. L. 1913, c. 34, s. 1; R.L. 1935, s. 3630; am. L. 1943, c. 141, pt. of s. 1.]

(b) By amending section 3640 thereof to read as follows:

"Sec. 3640. Terms; held when. The terms of the circuit courts shall be as follows: In the first circuit, at Honolulu, on the second Monday of January; in the second circuit, at Wailuku, on the second Monday of January; in the third circuit, at Hilo, on the second Wednesday of January; in the fifth circuit, at Lihue, on the second Wednesday of January." [L. 1892, c. 57, s. 31; am. L. 1895, c. 6, s. 1; am. L. 1903, c. 32, s. 8; am. L. 1905, c. 34, s. 1; am. L. 1905, c. 56, s. 1; am. L. 1907, c. 50, s. 1; am. L. 1911, c. 126, s. 1; am. L. 1917, c. 49, s. 1; am. L. 1919, c. 27, s. 1; am. L. 1921, c. 77, s. 1; R.L. 1935, s. 3640; am. L. 1943, c. 141, pt. of s. 1.]

(c) By amending section 3642 thereof, as amended by Act 54 (Series C-84) of the Session Laws of Hawaii 1937, to read as follows:

"Sec. 3642. Length of term and what cases may be tried when. The terms of the circuit courts may continue and be held, subject to adjournment from time to time, until the times fixed by law for the commencement of their next terms respectively; provided that Sundays and legal holidays shall be excepted; and provided, further, that no trial of any contested term civil case shall be commenced in July or August, except that during said months, with the consent of both parties, the circuit courts may commence and try any civil case; provided, further, that the circuit court of the second circuit shall hold

sessions on the island of Molokai beginning on the fourth Wednesdays of January and July for the trial of such cases as do not require a jury and that no grand jury shall be summoned for such sessions; and provided, further, that the circuit court of the third circuit shall hold sessions at Hilo, Kailua and North Kohala at such times as the judge shall determine by rule of court approved by the chief justice and provided, further, that said court shall hold sessions at Kailua and North Kohala at least twice in each year or more often as the business in the respective districts warrants." [L. 1892, c. 57, s. 33; am. L. 1927, c. 197, s. 1; am. L. 1931, c. 40, s. 1; am. L. 1937, c. 54, s. 1; am. L. 1943, c. 141, pt. of s. 1.]

Section 2. The judge and circuit court of the third judicial circuit shall continue to have all of the powers, duties and jurisdiction heretofore invested in, imposed upon or held by said judge and circuit court and shall have, in addition thereto, all of the powers, duties and jurisdiction hereby invested in, imposed upon or granted to the judge and circuit court of the third judicial circuit as herein defined, it being the intent and purpose hereof that the circuit court of the third judicial circuit, as said circuit was defined prior to the effective date hereof, be not abolished but continue with expanded jurisdiction as herein provided. All of the powers, duties and jurisdiction previously invested in, imposed upon or held by the judge and circuit court of the fourth judicial circuit, as said circuit was defined prior to the effective date hereof, are hereby transferred to the judge and circuit court respectively of the third judicial circuit as herein defined. Except as provided in section 3642 of the Revised Laws of Hawaii 1935, as herein or hereafter amended, the term of the circuit court of the third judicial circuit as herein defined shall continue and be held at Hilo.

Section 3. At the earliest practicable date, the clerk of the circuit court of the third judicial circuit as herein defined shall deposit in the grand jury box of said court in the manner provided in section 3722 of the Revised Laws of Hawaii 1935 the names of all persons selected as grand jurors for the current year for the circuit courts of the third and fourth judicial circuits as said circuits were defined prior to the effective date hereof, and shall deposit in the trial jury box of said court in the manner provided in said section 3722 the names of all persons selected as trial jurors for the current year for the circuit courts of the third and fourth judicial circuits as said circuits were defined prior to the effective date hereof. During the remainder of the present term of said court, the names deposited in the grand jury box and the trial jury box as pro-

vided in this section shall constitute respectively the lists of grand jurors and of trial jurors of the circuit court of the third judicial circuit as herein defined, and grand jurors and trial jurors shall be drawn therefrom as provided in said section 3722. Trial jurors serving in any case the trial of which is pending before either of the circuit courts of the third or fourth judicial circuits as said circuits were defined prior to the effective date hereof shall continue to serve as trial jurors in such case in the continuance of such trial in the circuit court of the third judicial circuit as defined herein. Grand jurors serving as such in the third and fourth judicial circuits as said circuits were defined prior to the effective date hereof shall be discharged from further duty as such on the effective date hereof but their names shall be included in those deposited in the grand jury box pursuant to this section.

Section 4. **Section 3940** of the Revised Laws of Hawaii 1935, as amended, is hereby further amended by deleting therefrom the schedules of salaries and expenses under the headings "THIRD CIRCUIT COURT" and "FOURTH CIRCUIT COURT".

Section 5. The offices and clerical and other positions held by the officers and clerical and other employees of the circuit court of the third judicial circuit, as said circuit was defined prior to the effective date hereof, are hereby abolished. The names of the persons now holding such offices and clerical and other positions shall be placed on the appropriate civil service re-employment lists for the appropriate types of positions, as though such persons had been laid off because of lack of work or lack of funds. Every officer and clerical and other employee of the circuit court of the fourth judicial circuit, as said circuit court was defined prior to the effective date hereof, shall be transferred to the circuit court of the third judicial circuit and shall continue in employment, subject to all provisions of law applicable to such employment, in such position in the schedule hereinafter set forth as most nearly corresponds with the position now held by such officer or employee. The judge of the circuit court of the third judicial circuit shall immediately appoint additional persons so that the court shall have the following officers and clerical and other employees:

- Chief clerk, cashier and accountant;
- Three assistant clerks;
- Stenographer for chief clerk;
- Court reporter;
- Bailiff;
- Stenographer for judge;
- Janitor and messenger;

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SERIES C-102.—ACT 102]

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Not less than eight probation officers and such other probation officers as the judge shall deem necessary;

Clerk to probation officers.

All persons so transferred or appointed to the foregoing positions shall receive compensation for their services at the rate provided by any classification or compensation schedule now or hereafter in force and applicable to their positions. The county of Hawaii shall pay the salaries of all such officers and employees so transferred or appointed and may pay such additional salaries or increases in salaries as may from time to time be deemed necessary or proper. In addition thereto the county of Hawaii shall pay the expenses of said circuit court to the extent of the following amounts and may pay such additional expenses as may from time to time be deemed necessary or proper:

	Per annum
Automobile expenses for probation officers.....	\$ 5,000.00
Support and expenses of juvenile court wards.....	3,000.00
Court expenses	10,000.00
Transportation of juvenile court wards.....	1,000.00
Law books and library upkeep.....	1,000.00

Section 6. All other laws and parts of laws inconsistent herewith are hereby amended to conform hereto.

Section 7. This Act shall take effect upon its approval.

(Approved May 8, 1943.) **S.B. 241, Act 141.**

RENT CONTROL APPEALS.

[C-102] An Act Amending Act 91 of the Special Session Laws of Hawaii 1941, Relating to the Regulation of the Renting, Subletting and Rental Conditions of Property.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Act 91 of the Special Session Laws of Hawaii 1941 is hereby amended by renumbering section 3 thereof, to become section 5, and by inserting therein two new sections, to read as follows:

"Section 3. Chapter 103 of the Revised Laws of Hawaii 1935, as amended, is hereby further amended by adding thereto a new section to be preceded by the subtitle 'Rent Control Appeals', to be numbered section 3657, and to read as follows:

'RENT CONTROL APPEALS

'Sec. 3657. [Petition for review; procedure.] The orders or determinations of any administrator appointed or any commission, board or tribunal created to execute and administer the powers conferred by those subsections of sections 2833 and 3021 which were added by Act 91 (Series B-25) of the Special Session Laws of Hawaii 1941, shall be subject to judicial review as follows: Within twenty days from the date upon which any such order or determination shall become final and no administrative remedy for review thereof shall remain available any party aggrieved thereby may commence proceedings to obtain judicial review thereof by the circuit court of the judicial circuit in which said administrator, commission, board or tribunal is functioning, by filing in the court a petition for review of said order or determination. In all cases of such appeal, the administrator, commission, board or tribunal appealed from shall be notified of the pendency thereof by the clerk of the court in which the proceedings are pending. In any such court proceeding, every party to the proceeding resulting in said order or determination shall be made a party respondent, and the circuit judge shall have power to grant a stay of any such order or determination, as he may determine to be equitable in the premises, upon such terms as he may prescribe. The petition for review need not be verified but shall state the grounds upon which such review is sought. The petition for review shall be served upon the parties respondent in such manner as may be prescribed by the court, and the procedure thereon shall be as prescribed by the court. The administrator, commission, board or tribunal, whose order or determination is sought to be reviewed, shall certify and file with the court a copy of the record of the case, in such form and including such matters as may be prescribed by the court.

The hearing before the court shall be a hearing *de novo*, and each party shall have the right to introduce evidence, or the court may, of its own motion, require the taking of such evidence as the court may deem proper. The court shall determine all questions of fact and all questions of law involved in the appeal, provided that in all appeal cases in which a trial by jury is had the cause shall be submitted to the jury on questions of fact stated to them by the court pursuant to section 4100 of the Revised Laws of Hawaii 1935. The right of trial by jury shall be deemed to be waived unless claimed within ten days from the date the appeal is perfected.

The court may affirm or reverse such order or determina-

tion, and may modify such order or determination by partially affirming and partially reversing the same, but may not otherwise modify the same or enter a new or different order or determination. If the court shall reverse such order or determination it shall render its decision setting forth wherein such order or determination is erroneous, together with such rules of law, and such findings of fact by the court or the jury, as the case may be, as will enable a proper order or determination to be entered. Within ten days after the decision of the court has been entered the administrator, commission, board or tribunal shall report to the court a new order or determination consistent with the decision, which shall take effect and be final upon the expiration of five days thereafter, unless an objection thereto is filed with the court within such period. In the event of such objection, such order or determination, or such modified order or determination as may thereafter be reported to the court, shall take effect and be final when determined by the court to be consistent with its decision, and the court may require the reporting of modified orders or determinations, as may be necessary.

The court shall prescribe the procedure to be followed in the case of such appeals.’”

“Section 4. Chapter 113 of the Revised Laws of Hawaii 1935, as amended, is hereby further amended by adding thereto a new section to be numbered section 4029, to read as follows:

‘Sec. 4029. Rent control ordinances. Nothing in this chapter shall be deemed to authorize the eviction of a tenant contrary to the provisions of any rent control ordinance declaring an emergency arising out of a housing shortage and prohibiting termination of tenancies or restricting the grounds for termination thereof, pursuant to the powers conferred by those subsections of sections 2833 and 3021 which were added by Act 91 (Series B-25) of the Special Session Laws of Hawaii 1941, so long as such emergency continues.’”

Section 2. This Act shall take effect upon its approval.

(Approved May 1, 1943.) **H.B. 284, Act 102.**

CHAPTER 104. BOUNDARY COMMISSIONER.

[C-103] An Act Relating to the Settlement of Boundaries and to the Notice, Evidence and Decision Given in Such Matters and Amending Section 3666 of the Revised Laws of Hawaii 1935.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 3666 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

"Sec. 3666. Notice, evidence, decision. It shall be the duty of the commissioner, on receipt of such application, to notify the owner or owners of the land, and also those of the land adjoining, of the time when he will be prepared to hear their case. Further, it shall be the duty of the commissioner to advertise in such newspaper or newspapers as he shall direct, once in each of three successive weeks, a notice sufficient in his judgment to identify the locality to be adjudicated and the date and place of hearing, and may, if he deem it advisable under all the circumstances, require the gist of such notice as to pendency of hearing also to be rendered and advertised in the Hawaiian language either as part of the English publication or separately. The commissioner shall receive at such hearing all the testimony offered, shall go on the ground when requested by either party, and shall endeavor otherwise to obtain all information possible to enable him to arrive at a just decision as to the boundaries of the lands. Upon giving a decision, the commissioner shall therein describe the boundaries decided on by survey by natural topographical features, or by permanent boundary marks, or partly by each; and he shall have the power to order such surveys and marks to be made or erected as he may consider necessary, at the expense of the parties in interest, but he shall in no case alter any boundary described by survey in any patent or deed from the king or government, or in any land commission award." [L. 1894-5, c. 14, s. 3; am. L. 1933, c. 115, s. 1; R.L. 1935, s. 3666; am. L. 1943, c. 111, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 3, 1943.) **H.B. 319, Act 111.**

CHAPTER 105. CLERKS, REPORTERS, INTERPRETERS.

OFFICIAL REPORTERS AND INTERPRETERS.

[C-104] An Act Relating to Interpreters and Clerks of the District Court of Honolulu, and Amending Section 3697 of the Revised Laws of Hawaii 1935, as Amended by Act 52 (Series C-127) of the Session Laws of Hawaii 1941.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 3697 of the Revised Laws of Hawaii 1935, as amended by Act 52 (Series C-127) of the Session Laws of Hawaii 1941, is hereby further amended by adding to the second paragraph of said section the following proviso:

"It is provided, however, that the district magistrates of Honolulu, city and county of Honolulu, anything in any other law, rule, or regulation to the contrary notwithstanding, are empowered to require of the interpreters of said court, in addition to their other duties, such clerical work as they may be qualified to perform."

Section 2. This Act shall take effect upon its approval.

(Approved April 28, 1943.) S.B. 180, Act 69.

CHAPTER 107. DISTRICT COURTS.

MAGISTRATES, TENURE, ETC.

[C-105] An Act Relating to the Qualification of District Magistrate for the District of Kalawao and Amending Section 3760 of the Revised Laws of Hawaii 1935, as amended.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 3760 of the Revised Laws of Hawaii 1935, as amended, is hereby further amended by adding thereto at the end thereof a proviso reading as follows:

"Provided, further, that the district magistrate of the District of Kalawao need not have passed an examination for admission to practice law in the district courts."

Section 2. This Act shall take effect upon its approval.

(Approved March 13, 1943.) H.B. 70, Act 10.

[Sec. 3760, also amended by Act 156, supra, page 169.]

JURISDICTION

[C-106] An Act to Amend Section 3767 of the Revised Laws of Hawaii 1935, as Amended, Relating to Criminal Jurisdiction of District Magistrates.

Be It Enacted by the Legislature of the Territory of Hawaii:

[Sic] Section 1. Section 3767 of the Revised Laws of Hawaii 1935, as amended by Act 27 (*Series B-18*) of the Session Laws of Hawaii 1941, is hereby amended to read as follows:

“Sec. 3767. **Criminal jurisdiction of district magistrates.** The criminal jurisdiction of the district magistrates of the district of Lihue, Island of Kauai, the district of Honolulu, Island of Oahu, the districts of Wailuku, Lahaina, and Makawao, Island of Maui, the districts of South Hilo and Puna, the districts of North Hilo and Hamakua, the districts of North Kohala and South Kohala, and the districts of North Kona and South Kona, Island of Hawaii, over all offenses which are within the jurisdiction of district magistrates according to law, shall be coextensive with the judicial circuits in which their respective districts are situated.” [L. 1893-4, c. 42, s. 1; am. L. 1896, c. 41, s. 1; R.L. 1935, s. 3767; am. L. 1941, c. 27, s. 1; am. L. 1943, c. 222, s. 1.]

Section 2. This Act shall take effect from and after the date of its approval.

(Approved May 17, 1943.) **H.B. 323, Act 222.**

CHAPTER 108.**COSTS.****PROBATE COURTS.**

[C-107] An Act to Amend Section 3793 of the Revised Laws of Hawaii 1935, as Amended, Relating Inter Alia to Fees and Expenses of Executors, Administrators, Trustees and Guardians.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 3793** of the Revised Laws of Hawaii 1935, as amended, is hereby further amended by amending that certain paragraph thereof which bears the heading “Fees and expenses of executors, administrators, trustees and guardians:”, so that the same shall read as follows:

“Fees and expenses of executors, administrators, trustees and guardians: Upon all moneys and other property received

in the nature of revenue or income of the estate, such as rents, interest, dividends and general profits, executors, administrators, trustees and guardians shall be allowed as commissions payable out of the income received during each year, ten per centum for the first thousand dollars, seven per centum for the next four thousand dollars and five per centum for all over five thousand dollars, such commissions to be payable as and when such income is received, but said rates of ten per centum and seven per centum to be applied not oftener than once a year."

Section 2. This Act shall take effect upon its approval.

(Approved April 30, 1943.) **S.B. 3, Act 88.**

[C-108] An Act Relating to Trustees' Commissions and Amending Section 3793 of the Revised Laws of Hawaii 1935, as Amended.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 3793** of the Revised Laws of Hawaii 1935, as amended, is hereby further amended by inserting therein, following the first full paragraph thereof appearing on page 621 of said Revised Laws, the following paragraph:

"Notwithstanding any other provisions of this section or of any other law, in the case of an estate of a charitable trust, the commissions of the trustees shall be limited to the following schedule of percentages on all moneys received in the nature of revenue or income of the estate, such as rents, interests, and general profits:

10% on the first.....	\$ 1,000.00
7% on the next.....	4,000.00
5% on the next.....	100,000.00
3% on the next.....	100,000.00
2% on the next.....	300,000.00
1% on all over.....	505,000.00;

but said schedule of percentages shall be applied not oftener than once a year.

"Such trustees shall also be entitled to just and reasonable allowances for bookkeeping, clerical, and special services and expenses incidental thereto."

Section 2. This Act shall apply as well to future accounting in existing estates as to new estates.

Section 3. This Act shall take effect upon its approval.

(Approved May 11, 1943.) **S.B. 42, Act 149.**

CHAPTER 109. WITNESSES.

[C-109] An Act to Amend Section 3823 of the Revised Laws of Hawaii 1935, Relating to Competency of Witnesses.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 3823** of the Revised Laws of Hawaii 1935, is hereby amended by deleting therefrom:

- (a) The words "perjury or subornation of perjury only excepted", in the second and third lines of said section; and
- (b) The words "except as aforesaid", in the last line of said section.

Section 2. This Act shall take effect upon its approval.

(Approved May 10, 1943.) **H.B. 24, Act 146.**

CHAPTER 111. LIMITATION OF ACTIONS.**PART 1. PERSONAL ACTIONS.**

[C-110] An Act to Amend Chapter 111 of the Revised Laws of Hawaii 1935, Relating to Limitation of Actions, by Amending Sections 3910 and 3915 Thereof.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 111 of the Revised Laws of Hawaii 1935 is hereby amended by amending subsection 2 of **section 3910** thereof to read as follows:

"2. Actions upon judgments or decrees rendered in any court not of record in the Territory, or, subject to the provisions of section 3917, in any court of record in any foreign jurisdiction."

Section 2. Chapter 111 of the Revised Laws of Hawaii 1935 is hereby further amended by amending section 3915 thereof to read as follows:

"Sec. 3915. Four Years. The following actions shall be commenced within four years after the cause of action accrued and not after: Subject to the provisions of section 3917, actions for the recovery of any debt founded upon any contract, obligation or liability, where the cause of action has arisen in any foreign jurisdiction including actions on judgments or decrees rendered in any court not a court of record

in any foreign jurisdiction but not such as are brought upon the judgment or decree of a court of record." [L. 1892, c. 26, s. 1; R.L. 1935, s. 3915; am. L. 1943, c. 139, s. 2.]

Section 3. This Act shall take effect July 1, 1943 and shall be prospective as well as retroactive provided that in any case where a claim has not been barred prior to the said effective date by any statute of limitations but would, under the amendments made by this Act, be barred on or before the expiration of two years after said effective date, the holder of such claim shall be allowed two years after such effective date within which to commence an action.

(Approved May 7, 1943.) **H.B. 8, Act 139.**

CHAPTER 112. SALARIES AND EXPENSES.

[C-111] An Act Relating to Courts, and to the Salaries and Expenses of Courts, and Amending Sections 3940, 3941 and 3760, as Amended, of the Revised Laws of Hawaii 1935.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 3940** of the Revised Laws of Hawaii 1935, as amended, is hereby further amended in the following respects:

1. By amending the schedule of salaries and expenses under the heading "FIRST CIRCUIT COURT" to read as follows:

"FIRST CIRCUIT COURT

	Per Annum
"(a) Personal services, salaries.....	\$127,960.00
(Expenditures out of this item shall be made in accordance with the classification and compensation schedules of the city and county of Honolulu and shall be for the following offices and positions:	
Chief clerk of circuit court,	
First chief deputy clerk of circuit court,	
Chief deputy clerk and accountant,	
Archivist and deputy clerk,	
Head deputy clerk of court,	
Head deputy clerk of court,	

Senior cash accounting clerk,
 Clerk-stenographer,
 Assistant clerk-stenographer,
 Junior clerk-typist,
 Ten court room clerks,
 Five court reporters,
 Senior interpreter (Hawaiian),
 Senior interpreter (Filipino),
 Senior interpreter (Portuguese) part time,
 Chief adult probation officer,
 First deputy adult probation officer,
 Second deputy adult probation officer,
 Three clerk-stenographers to adult probation officers,
 Chief court officer,
 Four court officers,
 Assistant clerk-stenographer,
 Junior accounting clerk and assistant cashier,
 Telephone operator,
 Assistant archivist and indexer.)

- “(b) Other personal services contractual or otherwise, salary increases as approved by the board of supervisors, materials and supplies, fixed charges and equipment.....\$ 47,800.00
 (Expenditures out of this item for equipment and supplies shall be made under existing laws of the Territory and ordinances of the city and county relative thereto.)”

2. By amending the schedule of salaries and expenses under the heading “FIFTH CIRCUIT COURT” to read as follows:

“FIFTH CIRCUIT COURT

- | | |
|---------------------------------------|--------------|
| | Per annum |
| “(a) Personal services, salaries..... | \$ 19,940.00 |
- (Expenditures out of this item shall be made in accordance with the classification and compensation schedules in effect in the county of Kauai and shall be for the following offices and positions:
- Clerk,
 Deputy clerk and cashier,
 Bailiff, librarian and assistant clerk,
 Court reporter, secretary to judge and assistant clerk,
 Probation and parole officer for boys,

and ex officio probation and parole
officer for adult convicts,
Probation and parole officer for girls,
Clerk-secretary to probation and parole
officers.)

- “(b) Other personal services contractual or otherwise, salary increases as approved by the board of supervisors, materials and supplies, automobile allowances, fixed charges and equipment\$ 19,000.00
(Expenditures out of this item for equipment and supplies shall be made under existing laws of the Territory and ordinances or resolution of the county relating thereto.)”

3. By amending the item “Support juvenile court dependents” under the subtitle “SECOND CIRCUIT COURT” of said section to read “Support of juvenile court dependents and delinquents”.

4. By amending the item “Support of juvenile court dependents” under the subtitle “THIRD CIRCUIT COURT” of said section to read “Support of juvenile court dependents and delinquents”.

[Sec. 3940, also amended by Act 141, supra, page 158.]

Section 2. Section 3760 of the Revised Laws of Hawaii 1935, as amended, is hereby further amended to read as follows:

“Sec. 3760. District magistrates. There shall be appointed one or more district magistrates of each judicial district, save that there shall be one district magistrate for the districts of North Kohala and South Kohala, one district magistrate for the districts of North Kona and South Kona, one district magistrate for the districts of South Hilo and Puna, and one district magistrate for the districts of North Hilo and Hamakua; such appointments shall be made by the chief justice of the supreme court. Each magistrate shall be an elector of the city and county or county in which he is appointed and such magistrate shall have passed an examination for admission to practice law in the district courts; except that the district magistrate of South Hilo and Puna, the district magistrate of North Hilo and Hamakua, the district magistrate of Wailuku, and the district magistrates of Honolulu, shall be attorneys licensed to practice in all the courts of the Territory.” [L. 1892, c. 57, s. 8; am. L. 1892, c. 76, s. 2; am. L. 1905, c. 61, s. 1; am. L. 1909, c. 38, s. 1; am. L. 1915, c. 203, s. 1; am. L. 1917,

c. 224, s. 1; am. L. 1919, c. 108, s. 1; R.L. 1935, s. 3760; am. L. 1937, c. 151, s. 1; am. Sp. L. 1941, c. 75, s. 1; am. L. 1943, c. 156, s. 2.]

Section 3. **Section 3941** of the Revised Laws of Hawaii 1935, as amended, is hereby further amended by amending the items under the subheading "County of Hawaii" to read as follows:

"District magistrate, North Kohala and South Kohala.....	200.00	2400.00
District magistrate, North Kona and South Kona.....	200.00	2400.00
District magistrate, Kau.....	150.00	1800.00
District magistrate, South Hilo and Puna	375.00	4500.00
District magistrate, North Hilo and Hamakua	275.00	3300.00."

Section 4. From and after the effective date of this Act, the district magistrate of Hamakua shall perform the duties of district magistrate for both the districts of Hamakua and North Hilo; the district magistrate of South Hilo shall perform the duties of district magistrate for both the districts of South Hilo and Puna.

Section 5. The incumbent district magistrate of Puna shall remain such until May 31, 1943, and until such date shall continue to receive the salary which was attached to said office immediately prior to the effective date of this Act.

Section 6. All territorial laws or parts of laws inconsistent with the provisions of this Act, or of sections 3760 and 3941 of the Revised Laws of Hawaii 1935, as amended by this Act, are hereby amended to conform to this Act and to said sections 3760 and 3941 of the Revised Laws of Hawaii 1935, as amended by this Act.

Section 7. This Act shall take effect upon its approval, save that any salary increase shall become effective upon the first day of the month following such effective date.

(Approved May 11, 1943.) **H.B. 196, Act 156.**

Title XVI. CIVIL PROCEDURE.

CHAPTER 113. CIVIL PROCEDURE IN DISTRICT COURTS.

[Sec. 4029. Rent control ordinances. New section added by Act 102, supra, page 161.]

CHAPTER 115. JUDGMENT, NEW TRIAL, EXECUTION.

[C-112] An Act Relating to Suits on Prior Judgments, and Requiring That Complaints Thereon Show All Prior Payments on Such Judgments.

Be It Enacted by the Legislature of the Territory of Hawaii:

[Sec. 4134A.] Section 1. [Action on prior judgment, credits to be shown.] Whenever any suit is brought on any prior judgment, the complaint, or an exhibit attached thereto, shall set forth the amount originally due on said judgment, all payments thereon, together with the dates thereof, and the net balance due thereon on the date of the complaint.

Should any such complaint fail to show any credits to which the defendant is entitled through prior payments on such judgment, the defendant shall be entitled to offset against the true balance due on said judgment an amount double the amount of any such credit in addition to any other penalties by law prescribed in such circumstances unless the plaintiff shall show to the satisfaction of the presiding judge, before whom such complaint is tried, that the existence or amount of such credit was in bona fide dispute or that the failure to set forth such credit was inadvertent or the result of an honest mistake.

Section 2. This Act shall take effect upon its approval.

(Approved May 4, 1943.) H.B. 330, Act 127.

Title XVII. DOMESTIC RELATIONS.

CHAPTER 128. ANNULMENT, DIVORCE AND SEPARATION.

PART 2. DIVORCE.

[C-113] An Act Providing for Representation of Lepers in Divorce Proceedings by the Attorney General or His Deputies.

Be It Enacted by the Legislature of the Territory of Hawaii:

[Sec. 4471A.] Section 1. [Attorney general to represent lepers.] Upon application of the superintendent of hospitals and settlement, the attorney general or his deputies shall represent any leper detained at the Kalihi hospital or at the settlement at Molokai in proceedings for divorce.

Section 2. This Act shall take effect upon its approval.

(Approved April 19, 1943.) S.B. 110, Act 39.

CHAPTER 130. CHILDREN.

[C-114] An Act to Amend Section 4517 of the Revised Laws of Hawaii 1935, Relating to Jurisdiction of Courts in Cases Coming Within the Provisions of Section 4514 of Said Revised Laws, as Amended.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 4517 of the Revised Laws of Hawaii 1935, is hereby amended by changing the period at the end of said section to a semicolon and adding at the end of said section the following:

“and provided, further, that upon complaint made to any prosecuting officer of the commission of any offense coming within the provisions of section 4514, the district magistrate within whose district such offense is alleged to have been committed may issue his warrant, as provided in section 5470 for the arrest of the person accused

of such offense, and, as provided in section 5474, commit the accused for trial."

Section 2. This Act shall take effect upon its approval.

(Approved May 17, 1943.) **H.B. 348, Act 223.**

[C-115] An Act to Amend Chapter 130 of the Revised Laws of Hawaii 1935, Relating to Children, by Amending Sections 4530, 4532 and 4533 Thereof, Relating to the Curfew Law.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 130 of the Revised Laws of Hawaii 1935, is hereby amended by amending sections 4530, 4532 and 4533 thereof to read as follows:

"Sec. 4530. Children in public streets, prohibited when; penalty. Any child under fifteen years of age who, except in case of necessity, or except when permitted so to do in writing by a judge of the juvenile court, shall go or remain on any public street or highway after eight o'clock in the evening and before four o'clock in the morning, unaccompanied by either a parent or guardian, or an adult person duly authorized by a parent or guardian to accompany such child, shall be deemed a delinquent child and may be punished as by law provided." [L. 1896, c. 29, s. 1; am. L. 1907, c. 34, s. 1; am. L. 1913, c. 124, s. 1; am. L. 1915, c. 44, s. 1; R.L. 1935, s. 4530; am. L. 1943, c. 78, pt. of s. 1.]

"Sec. 4532. Parents' allowing children in street, prohibited when; penalty. Any parent or guardian, having the care, custody and control of a child under fifteen years of age, who, except in case of necessity, shall knowingly and voluntarily suffer or permit such child to go or remain on any public street or highway, after nine o'clock in the evening and before four o'clock in the morning, unaccompanied by an adult person thereto authorized by such parent or guardian, shall be punished by a fine of not more than ten dollars or by imprisonment not exceeding twenty days." [L. 1896, c. 29, s. 2; R.L. 1935, s. 4532; am. L. 1943, c. 78, pt. of s. 1.]

"Sec. 4533. School children prohibited in certain places, when; penalty. Any keeper of a coffee shop, ice cream parlor,

victualing or billiard saloon, bowling alley, skating rink, theater, show house, or premises in which any show, moving picture, or other like public entertainment shall be given, who shall permit any child under the age of fifteen years to be or remain upon the premises or in the saloon, rink, theater, show house or premises, or in whose premises such child may be found between the hours of eight in the evening and six in the morning, unless the child shall be accompanied by his parent or guardian, or some other adult person thereto authorized by such parent or guardian, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not to exceed one hundred dollars." [L. 1870, c. 23, s. 1; am. L. 1903, c. 8, s. 2; am. L. 1915, c. 44, s. 2; R.L. 1935, s. 4533; am. L. 1943, c. 78, pt. of s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved April 28, 1943.) **H.B. 286, Act 78.**

CHAPTER 133. JUVENILE COURTS.

[C-116] An Act to Amend Section 4611 of the Revised Laws of Hawaii 1935, Relating to Juvenile Court Jurisdiction.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 4611 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

"**Sec. 4611. Judges, jurisdiction.** The circuit judges sitting in chambers shall have original jurisdiction in all cases under sections 4610 to 4618, inclusive, and the court held by any such judge under said sections shall be termed the juvenile court; provided that in the counties of Hawaii, Maui and Kalawao the several district magistrates shall have concurrent jurisdiction in their respective districts, with the circuit judges of the circuits within which their districts are situated; and provided that the circuit judges of the first, second, third and fourth judicial circuits may entertain jurisdiction of any case disposed of by a district magistrate of the circuit, notwithstanding such disposition by such district magistrate. In case of the absence, inability or disqualification of the judge, any other circuit judge may act in his place by assignment of the chief justice of the supreme court." [L.

JUVENILE DELINQUENTS.

SERIES C-116.—ACT 85]

SERIES C-117.—ACT 212]

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1909, c. 22, s. 2; am. L. 1919, c. 41, s. 1; am. L. 1923, c. 108, s. 1; R.L. 1935, s. 4611; am. L. 1943, c. 85, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved April 30, 1943.) **S.B. 103, Act 85.**

[C-117] An Act to Amend Section 4616 of the Revised Laws of Hawaii 1935, as Amended, Relating to Juvenile Delinquents.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 4616 of the Revised Laws of Hawaii 1935, as amended, is hereby further amended to read as follows:

"Sec. 4616. Care of delinquents; restrictions as to confinement. No child under the age of fourteen years shall be confined in any jail, or in any police station except as hereinafter next provided. Any such minor may, however, be detained for investigation in the office or premises of any duly established juvenile crime prevention bureau, or, in districts in which there are no such duly established bureau offices, in any suitable portion of a police station other than the actual jail premises; any such minor may also be committed to the care or custody of any suitable person or duly appointed probation officer, who shall keep the child in any suitable place approved by the judge, outside of the enclosure of any jail; provided, however, that if a child has not been involved in any crime, and the attendant circumstances indicate that he cannot or should not be returned to his home, such minor shall be transferred to the care and custody of a duly appointed agent of the department of public welfare. No child under eighteen years of age, while under arrest, confinement or conviction for any crime, shall be placed in any apartment or cell of any prison, jail, or place of confinement with any adult who shall be under arrest, confinement or conviction for any offense or be permitted to remain in any court room during the trial of adults or be transported in any vehicle of transportation in company with adults charged with or convicted of any offense. Any person violating any provision of this section shall upon conviction thereof be fined not more than fifty dollars, or imprisoned for not more than

thirty days." [L. 1909, c. 22, s. 7; R.L. 1935, s. 4616; am. L. 1941, c. 179, s. 1; am. L. 1943, c. 212, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 15, 1943.) **S.B. 102, Act 212.**

[C-118] An Act Relating to a Detention Home and Requiring the City and County of Honolulu to Make an Appropriation Therefor.

Be It Enacted by the Legislature of the Territory of Hawaii:

[Sec. 4616A.] Section 1. [Appropriation for detention home.] The board of supervisors of the city and county of Honolulu is hereby authorized and directed to appropriate the sum of forty thousand dollars (\$40,000.00) for the acquisition of and to acquire a suitable building and land, which shall be known as the detention home, for temporary care and custody of delinquent minors, and for the refitting and equipment of said detention home.

[Sec. 4616B.] Section 2. [Director, assistants, appointment of.] The detention home shall be under the management of a competent director who shall be appointed by the judge of the juvenile court and who shall be experienced in the care and guidance of children. The director shall have such assistants and subordinates, for whose pay an appropriation is available, as may be approved by said judge.

[Sec. 4616C.] Section 3. [Purposes of detention home.] The detention home shall give temporary care and custody to delinquent minors referred to it by the juvenile crime prevention bureau of the police department of the city and county of Honolulu, and by the judge of the juvenile court, and shall also give temporary care, diagnosis and remedial treatment to such minors exhibiting delinquent tendencies as may be referred or committed to it by said judge.

Section 4. This Act shall take effect upon its approval.

(Approved May 6, 1943.) **S.B. 133, Act 137.**

Title XVIII. EQUITY AND PROBATE.

CHAPTER 135. EQUITY: JURISDICTION AND PROCEDURE.

TRUSTEES AND GUARDIANS.

[C-119] An Act to Amend Chapter 135 of the Revised Laws of Hawaii 1935, by Adding Thereto a New Section to Be Numbered 4711-A, relating to the Appointment of Trustees.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 135 of the Revised Laws of Hawaii 1935 is hereby amended by adding thereto a new section to be numbered 4711-A and to read as follows:

"Sec. 4711-A. Nomination by beneficiaries; appointment of trustees. Whenever any appointment of a trustee under a private trust shall be made by any judge of a court of record, if, prior to such appointment, beneficiaries who shall constitute a 'majority both in number and interest of the beneficiaries of such trust' (as hereinafter defined) shall nominate for such trusteeship by an instrument or instruments in writing filed in said court any qualified person or corporation worthy in the opinion of such judge to be appointed, such judge shall appoint said nominee as such trustee, unless the express terms of the trust provide an effective method of nomination or appointment; provided that no person so nominated as trustee by the beneficiaries of any such trust shall be held disqualified to be appointed or to act as such trustee for the sole reason that he or she is a beneficiary or a possible beneficiary under such trust estate.

"The term 'majority both in number and interest of the beneficiaries of such trust', as used in the foregoing provisions of this Act, shall mean a majority of the competent adult beneficiaries holding more than one-half of the value of the then vested interests held by all the competent adult beneficiaries in the trust; provided that, if the guardian of any spendthrift, non compos person, or minor, owning such a vested interest, when such guardian is not an adult beneficiary, or married to an adult beneficiary, of such trust, shall execute or join in the execution of any such instrument of nomination and present the same to the court (each such guardian being hereby authorized in his discretion either to execute or to re-

frain from executing such instrument of nomination, as in his judgment shall be in the best interest of his ward), then and in such event such spendthrift, non compos person or minor, and the value of his said interest shall be included in determining such 'majority both in number and interest of the beneficiaries of such trust'. The value of the then vested interests shall be determined as of the date of the presentation of such instrument or instruments of nomination to the court, in the manner provided for the appraisal of similar interests under the laws of the Territory of Hawaii for inheritance tax purposes and as the same would be valued for said purposes if said trust had been created by instrument made in contemplation of the death of the person who created such trust and said trust had come into existence and said death had occurred on said date of presentation of said instrument or instruments of nomination; when more than one such instrument is presented to the court designating the same nominee, said date of presentation for the purposes of this section shall be deemed to be the date when the last of such instruments is so presented."

Section 2. This Act shall apply to trusts created before, as well as to those created after, the effective date hereof. If any portion of this Act, or its application to any person or circumstance, shall be held unconstitutional or invalid, the remainder of this Act, or the application of such portion to other persons or circumstances, shall not be affected.

Section 3. This Act shall take effect upon its approval.

(Became effective April 28, 1943, without the Governor's signature.)
S.B. 99, Act 68.

CHAPTER 139. PROBATE: JURISDICTION AND PROCEDURE.

EXECUTORS AND ADMINISTRATION.

[C-120] An Act Relating to the Qualification of Executors, Administrators and Guardians.

Be It Enacted by the Legislature of the Territory of Hawaii:

[Sec. 4775A.] Section 1. [Qualifications of executors, administrators and guardians.] Every executor and administrator appointed by any court of the Territory of Hawaii, whether or not appointed pursuant to the express provisions of a will, and every guardian appointed by any court of the Territory, including

any co-executor or co-administrator or co-guardian, in order to be qualified for such fiduciary office, shall be either an individual residing in the Territory or a trust company organized under the laws of the Territory.

[Sec. 4775B.] Section 2. [**Exceptions to residential requirement.**] The provisions of section 1 hereof shall not apply to any executor, administrator or guardian who has been duly appointed, whether by court or otherwise, or who may be acting under a will admitted to probate, prior to the effective date of this Act, or who may be appointed by court or who may be acting under a will admitted to probate subsequent to the effective date of this Act pursuant to the express provisions of the will of a decedent who has died prior to the effective date of this Act.

[Sec. 4775C.] Section 3. [**Procedure in case of subsequent disqualification.**] In case, subsequent to the effective date of this Act, any executor, administrator or guardian to whom the provisions of section 1 of this Act are applicable shall become disqualified under the provisions of said section 1, by reason of giving up residence within the Territory of Hawaii or otherwise, then his office as such fiduciary shall become vacant, and in such case, unless the order or instrument under which he has been acting shall otherwise make lawful provision applicable in the case of a vacancy in such office, or unless any circuit judge sitting at chambers and having jurisdiction over the estate or ward shall expressly authorize any such executor, administrator or guardian to continue to hold such office under such conditions as the judge may see fit to impose, such vacancy may be filled by any circuit judge sitting at chambers and having jurisdiction over the estate or ward.

Section 4. This Act shall take effect upon its approval.

(Approved May 12, 1943.) **S.B. 126, Act 182.**

[C-121] An Act to Amend Chapter 139 of the Revised Laws of Hawaii 1935, Relating to Probate Jurisdiction and Procedure by Adding Thereto a New Section to be Numbered Section 4780-A, Relating to the Authority of Executors and Administrators to Convey Real Estate.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 139 of the Revised Laws of Hawaii 1935, is hereby amended by adding thereto the following section:

"Sec. 4780-A. Authority of executors and administrators to convey real estate. When any person who is bound by a contract in writing to convey any real estate shall die before making the conveyance, the executor of his will or the administrator of his estate shall have power and authority upon receiving the consideration for said real estate, or the balance of the consideration if a part thereof has been paid to the decedent during his lifetime, or without receiving any consideration if the entire consideration has been paid to the decedent during his lifetime, to convey the real estate in like manner as the decedent if living ought to have conveyed it, and every conveyance so made by the executor or administrator shall be effectual to pass title to the said real estate as fully as if made by the decedent himself."

Section 2. The provisions of this Act shall be operative as to executors and administrators of estates which now are or hereafter shall be in probate or in the process of administration.

Section 3. This Act shall take effect upon its approval.

(Approved May 12, 1943.) **S.B. 221, Act 172.**

[C-122] An Act to Amend Section 4783 of the Revised Laws of Hawaii 1935, as Amended, Relating to Family Allowance and the Rights of Surviving Spouse and Certain Dependents to Temporary Use of Certain Property of the Deceased.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 4783** of the Revised Laws of Hawaii 1935, as amended, is hereby further amended by amending subsections 1 and 2 thereof to read as follows:

"1. When a person dies, leaving a widow or widower or other members of his or her family living in his or her home, who were being maintained and supported by the decedent at the time of his or her death, such person or persons shall be entitled to have possession of the home and of all the wearing apparel and other personal effects and household furniture and effects of the decedent, until such time as the executor or administrator shall in his discretion terminate such possession.

"2. The court or judge shall make such reasonable allowance out of the estate as shall be necessary, for the persons enumerated in subsection 1 of this section, and for other

FAMILY ALLOWANCE.
SMALL ESTATES OF LEPERS.

SERIES C-122.—ACT 27]
SERIES C-123.—ACT 183]

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members of the decedent's family, maintained and supported by him or her, according to their circumstances and the relationship which they bear to the decedent, during the progress of the administration of the estate, which allowance, in case of an insolvent estate, shall not be longer than one year after granting letters testamentary or of administration."

Section 2. This Act shall take effect upon its approval.

(Approved April 6, 1943.) **S.B. 80, Act 27.**

SMALL ESTATES OF LEPERS.

[C-123] An Act Relating to Small Estates of Deceased Inmates of the County of Kalawao.

Be It Enacted by the Legislature of the Territory of Hawaii:

[Sec. 4797A.] Section 1. [Administration by superintendent; procedure.] Notwithstanding the provisions of that portion of chapter 139 of the Revised Laws of Hawaii 1935, as amended, under the subheading "Lepers", upon the death of any person who is an inmate of the county of Kalawao, leaving only personal property in said county, the value of which does not exceed one hundred dollars (\$100.00) in amount, the superintendent of hospitals and settlement shall collect or otherwise reduce to possession all said personal property, and, if necessary, to reduce the same to cash, shall give notice to creditors within such county, by posting at the entrance to the district court of said county, a notification to present their claims within fifteen (15) days of the giving of said notice, shall pay such claims as shall be established to his satisfaction or, if the assets are insufficient, pro-rate the amount among said creditors, and if, after the expiration of said period and the distribution of assets to creditors who have filed established claims, there is personal property remaining, said superintendent shall deliver such property to such person or persons as shall have been designated to him in writing by said decedent, or, in the event no such person or persons have been designated, shall distribute the same to the heirs in accordance with the statutes of descent of the Territory, and, if no heirs appear, said superintendent shall convert all such personal property into cash and forthwith deposit the same in the territorial treasury.

[Sec. 4797B.] Section 2. [Reports of superintendent.] The superintendent shall report monthly all of his activities under section 1 hereof and shall include in such report the names of any persons who, during the month covered by said report, have filed with him the written designation provided in section 1 hereof, without disclosing in said report the persons named as beneficiaries.

Section 3. This Act shall take effect upon its approval.

(Approved May 12, 1943.) **S.B. 111, Act 183.**

UNADMINISTERED SMALL ESTATES.

[C-124] An Act to Amend That Portion of Chapter 139 of the Revised Laws of Hawaii 1935, as Amended, Relating to Unadministered Small Estates, by Amending Sections 4799, 4802 and 4804 Thereof, and by Enacting a New Section to Be Known as Section 4806.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 139 of the Revised Laws of Hawaii 1935, as amended, is hereby further amended in the following particulars and respects:

(a) By amending section 4799 thereof, as amended, to read as follows:

"Sec. 4799. Publication by clerk of appointment as administrator, notice to creditors, heirs, etc. Upon such appointment it shall be the duty of the clerk to publish such fact by posting a notice thereof at the front entrance of the circuit court house of the circuit and by advertising such notice in the English language at least once in a newspaper of general circulation in such circuit, such notice to state briefly that all creditors of the deceased must file with said clerk duly verified claims within sixty days from the date of such publication, and that all persons claiming to be heirs of said estate are requested to file with said clerk notice of such claims within said period. The judge of the court shall have authority to direct that the advertising of the notice in a newspaper need not be made if he deems the same unnecessary." [L. 1917, c. 91, pt. of s. 1; am. L. 1923, c. 92, s. 2; am. L. 1933, c. 93, s. 2; R.L. 1935, s. 4799; am. L. 1941, c. 152, pt. of s. 1; am. L. 1943, c. 150, pt. of s. 1.]

(b) By amending section 4802 thereof, as amended, to read as follows:

"Sec. 4802. Duties of clerk and distribution. It shall be the duty of the clerk to make diligent effort to ascertain the names and whereabouts of the heirs-at-law, or the whereabouts of the devisees or legatees, as the case may be, of the deceased person and to present evidence relating thereto to the court having jurisdiction of the proceedings. After the expiration of sixty days after such publication the clerk shall pay or distribute the money, funds or property of the estate, or any balance thereof, after the payment of creditors' claims presented within the time limited in section 4801, either as an allowance for the support and maintenance of the widow or the dependents of the deceased or both, as authorized by the court or to or among such persons as may be found by the judge of the court sitting at chambers in probate, to be the persons entitled thereto as legatees, devisees or distributees, the share of any hospitalized insane or feeble-minded heir to be paid to the institution of which he is an inmate as a ward of the Territory for his maintenance and care and in case of a minor heir, if his share is less than one hundred dollars (\$100.00), to his natural guardian or to some suitable person with whom such heir resides for his care and benefit and that said administrator upon filing a proper receipt for such payment be thereby relieved, acquitted and discharged from any and further liability therefor." [L. 1917, c. 91, pt. of s. 1; am. L. 1933, c. 93, s. 5; R.L. 1935, s. 4802; am. L. 1941, c. 162, pt. of s. 1; am. L. 1943, c. 150, pt. of s. 1.]

(c) By amending section 4804 thereof, as amended, to read as follows:

"Sec. 4804. Exemption from costs. All proceedings had under and by virtue of sections 4798 to 4806 inclusive shall be free from all costs of court and administrator's fees. However, the actual expense for advertising the notice specified in section 4799, the advertising, posting or service fees required in carrying out any order of the court, including orders relating to the sale of real or personal property, and any expenses reasonably necessary for preservation, disposal, distribution and administration of the assets may be paid from any available assets of the estate. [L. 1917, c. 91, pt. of s. 1; am. L. 1923, c. 92, s. 3; R.L. 1935, s. 4804; am. L. 1941, c. 162, pt. of s. 1; am. L. 1943, c. 150, pt. of s. 1.]

[**Sec. 4804A**, added by following Act.]

(d) By adding section 4806 to read as follows:

"Sec. 4806. Estates less than two hundred dollars (\$200.00). Upon the death of any person dying intestate and leaving only personal property in the Territory and whose estate wheresoever situate does not exceed two hundred dollars (\$200.00) and where an administrator has not been appointed, a clerk of the circuit court of the circuit wherein such person was domiciled or if not domiciled in the Territory, the circuit wherein he was residing or had personal property at the time of his death, is hereby authorized and empowered, upon the filing with said clerk by any interested person of an affidavit setting forth the above facts, the names of the heirs if known and other pertinent facts as required by the clerk, to collect or otherwise reduce to possession or turn into cash all assets of said estate, and if after payment of funeral expenses as a preferred claim against the estate there be assets remaining, said clerk shall give notice to creditors and heirs as provided by section 4799 by posting, or if there be sufficient funds, by posting and advertising, and if after said period and distribution of assets to creditors of deceased persons who have filed proper claims there are assets remaining, then said clerk upon the facts contained in said affidavit as to heirship, shall deliver the assets to the heirs in accordance with the statutes of descent of the Territory, and if no creditors or heirs appear or are found within sixty days of said notice, the clerk shall convert all personal property into cash and forthwith deposit the same with the treasurer of the county in which the court having jurisdiction in the matter is situated."

Section 2. This Act shall take effect upon its approval.

(Approved May 11, 1943.) **S.B. 66, Act 150.**

[C-125] An Act Relating to the Audit of Accounts in Small Estates of the Clerks of the Circuit Courts.

Be It Enacted by the Legislature of the Territory of Hawaii:

[Sec. 4804A.] Section 1. **[Audit of accounts of small estates, reports.]** Any other law to the contrary notwithstanding, it shall be the duty of the auditor of each of the several counties of the Territory of Hawaii to audit not less frequently than semi-annually the accounts and transactions of the clerks of every circuit court within such county in their official capacity as guardians of minors or insane persons having small

estates or as administrators of small estates, and to report the results of such audit to the judge of such court.

Section 2. This Act shall take effect upon its approval.

(Approved May 12, 1943.) **S.B. 124, Act 187.**

[**Sec. 4854**, amended by Act 193, *supra*, page 22.]

CHAPTER 143.

WILLS.

PERSONS IN WAR SERVICE.

[**C-126**] An Act Providing for the Proof of Wills of Persons in War Service.

Be It Enacted by the Legislature of the Territory of Hawaii:

[**Sec. 4916A.**] Section 1. [**Proof of wills of persons in war service.**] No document offered for probate as a will or codicil shall be denied probate for lack of proof of the signatures of the attesting witnesses, if the signature of the testator shall be proved and it shall appear by affidavit or otherwise to the satisfaction of the judge presiding in probate that the testator died while engaged in war service and that all persons who signed as attesting witnesses are engaged in war service.

[**Sec. 4916B.**] Section 2. [**Person in war service defined.**] For the purposes of this Act a person shall be deemed to be engaged in war service in any of the following cases:

(a) If he is a member of the armed forces of the United States or of any of its allies;

(b) If he is in service on any ship of United States registry;

(c) If he is engaged outside of the Territory and of the continental limits of the United States, in any work in connection with a governmental agency of the United States or in connection with the American Red Cross Society or any other body with similar objectives;

(d) If he is interned or otherwise held in custody by any nation with which the United States is at war.

Section 3. This Act shall take effect upon its approval.

(Approved April 21, 1943.) **S.B. 188, Act 50.**

**Title XIX. LAND COURT:
REGISTRATION OF
CONVEYANCES;
NOTARIES, ETC.**

**CHAPTER 145. BUREAU OF
CONVEYANCES.**

ACKNOWLEDGMENTS.

[C-127] An Act to Amend Chapter 145 of the Revised Laws of Hawaii 1935, as Amended, Relating to the Acknowledgment and Proof of Instruments, Providing for Proceedings to Prove Instruments in Certain Cases, and Validating Certain Defective Records.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. The first four lines of section 5133 of the Revised Laws of Hawaii 1935, are hereby amended to read as follows:

"Sec. 5133. Certificates; natural persons, corporations. Except as otherwise provided by sections 5142 and 5143, to entitle any conveyance or other instrument to be recorded there shall be endorsed, subjoined or attached thereto an acknowledgment in the form provided or authorized in any of sections 5134, 5135 or 5137, or in substantially the following form:".

Section 2. Section 5134 of said Revised Laws is hereby amended to read as follows:

"Sec. 5134. Certificate, contents. The certificate of acknowledgment shall state in substance that the person who executed the instrument appeared before the officer granting the certificate and acknowledged or stated that he executed the same, and that such person was personally known to the officer granting such certificate to be the person whose name is subscribed to the instrument as a party thereto, or was proved to be such by the oath or affirmation of a credible witness known to the officer whose name shall be inserted in the certificate. It shall not be ground for the rejection of any such certificate, or for refusing to accept such instrument for record or in evidence, that the certificate fails to state that the person making the acknowledgment stated or ac-

knowledge that the instrument was executed freely or voluntarily by him or as his free act and deed." [L. 1872, c. 28, s. 2; R.L. 1935, s. 5134; am. L. 1943, c. 197, s. 2.]

Section 3. Section 5137 of said Revised Laws is hereby amended to read as follows:

"Sec. 5137. Acknowledgments without the Territory. The proof of acknowledgment of any deed or other written instrument required to be proved or acknowledged in order to enable the same to be recorded or read in evidence, when made by any person without the Territory and within any other state, territory, district, or dependency of the United States, may be made before any officer of such state, territory, district, or dependency authorized by the laws thereof to take proof and acknowledgment of deeds and when so taken and certified as herein provided, and when the certificate of acknowledgment shall be in a form sufficient to entitle deeds of real property to be recorded in the appropriate office for recording in such state, territory, district, or dependency or in the form provided or permitted by any of sections 5133, 5134 or 5135, shall be entitled to be recorded in the Territory, and may be read in evidence in the same manner and with like effect as proofs and acknowledgments taken before any of the officers now authorized by law to take such proofs and acknowledgments, and whose authority so to do is not intended to be hereby affected.

"The certificate authenticating the authority of the notary or other officer taking the acknowledgment, as provided in section 5138, may include (but is not required to include) a statement that the acknowledgment is taken in accordance with the laws of the place where made, which shall constitute prima facie evidence thereof." [L. 1909, c. 69, s. 3; R.L. 1935, s. 5137; am. L. 1943, c. 197, s. 3.]

Section 4. Section 5138 of chapter 145 of the Revised Laws of Hawaii 1935 is hereby amended by amending the first paragraph thereof, preceding the colon, to read as follows:

"Sec. 5138. Same; certificate of authority of officer. To entitle any conveyance or written instrument, acknowledged or proved under the preceding section, to be read in evidence or recorded in the Territory, there shall be indorsed, subjoined or attached to the certificate of proof or acknowledgment, signed by such officer, a certificate of the secretary of state of the state or territory in which such officer resides, under the seal of the state or territory, or a certificate of the clerk of a court of record of the state, territory or district in the county in which the officer resides or in which he took such

proof or acknowledgment, under the seal of the court, or a certificate of the executive officer or clerk of a court of record of such dependency, authorized to make such certificate, stating that the officer was, at the time of taking the proof or acknowledgment, duly authorized to take acknowledgments and proofs of deeds of lands in the state, territory, district, or dependency, and that the secretary of state, or other authorized executive officer, or clerk of court, is well acquainted with the handwriting of the officer taking the acknowledgment or proof, and that he verily believes that the signature affixed to the certificate of proof or acknowledgment is genuine. The authentication of the proof of acknowledgment of a deed or other written instrument when taken without the Territory and within any other state, territory or district of the United States, shall be in substantially the following form:”.

Section 5. Section 5142 of chapter 145 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

“Sec. 5142. How made; proof if not made. (a) Except as otherwise provided, to entitle any conveyance or other instrument to be recorded, it shall be acknowledged by the person or persons executing the same, before the registrar of conveyances, or his deputy, or before a judge of a court of record or a notary public of the Territory. But if any person having executed an instrument within the Territory shall die, or depart from the Territory, without having acknowledged the instrument, or shall refuse to acknowledge it, or if said person shall have acknowledged it but such acknowledgment shall not have been duly certified by the officer before whom made and for any reason neither proper certification nor a new acknowledgment can be secured, the instrument may be entered as of record on proof of its execution by a subscribing witness thereto before any judge of a court of record of the Territory. If all the subscribing witnesses to such conveyance or other instrument shall be dead or out of the Territory, the same may be proved before any court of record in the Territory by proving the handwriting of the person executing the same and any subscribing witness. For the purposes of this section a notary public or person who wrongfully undertakes to act as such, may be deemed a subscribing witness.

“(b) If there shall be any interlineation, erasure, or other change in an instrument, not initialed and noted as required by section 5146, and for any reason compliance with said section 5146 cannot be secured, the instrument may be proved as provided in subsection (c), or, without the bringing of

the proceeding therein provided for, the judge of the land court may certify that the instrument is entitled to be recorded, if it shall be established to his satisfaction that such change was made before execution of the instrument, and such instrument thereupon shall be received for record notwithstanding the provisions of section 5148, provided that, if the record of any such instrument, received for record by reason of such certificate, or a transcript thereof, be used in evidence in any proceeding, the burden shall be on the party relying on such record to prove that such change was made before execution of the instrument, in any proceeding where such fact is asserted by such party and is in dispute.

“(c) Any person interested under an instrument which if properly proved or acknowledged would be entitled to record, may institute a proceeding against the proper parties to obtain a judgment proving such instrument. Such proceeding shall be brought before a circuit judge at chambers, and all of the provisions of law applicable to equity proceedings shall apply thereto, except that a showing of the inadequacy of other remedies shall not be required. If the instrument affects the title to real property the proceeding shall be brought in the judicial circuit where the property is located. If judgment be obtained a certified copy thereof shall be appended to the instrument.” [L. 1909, c. 69, s. 8; R.L. 1935, 5142; am. L. 1943, c. 197, s. 5.]

Section 6. Chapter 145 of the Revised Laws of Hawaii 1935, as amended, is hereby further amended by adding thereto a new section to be numbered 5161, to read as follows:

“**Sec. 5161. Validation of defective certificates.** The record made prior to the effective date of this section in the bureau of conveyances at Honolulu of any instrument otherwise authorized to be recorded therein, notwithstanding any defect in the form of the certificate of acknowledgment or proof, or the failure to make the notations required by section 5146, or the failure to append thereto the certificate of authority required by section 5138, or any defect in the form of such certificate, shall be in all respects as valid and effectual as though such certificate of acknowledgment or proof or certificate of authority had been in proper form or such certificate of authority had been appended to such instrument, or such notations had been made; provided, that in any case of a defect in the certification of the authority of the officer to take the acknowledgment or proof, at the time of taking and in the place where the same was taken (whether because of a defect in the officer's certificate or because of a defect in or failure to append the certificate of his authority, when

required), the burden shall be on the party relying on such record to prove such authority, in any proceeding where such fact is in dispute; provided, further, that with respect to any interlineation, erasure or other change, not initialed and noted as required by section 5146, the burden shall be on the party relying on such record, to prove that such change was made before acknowledgment of the instrument, in any proceeding where such fact is asserted by such party and is in dispute."

Section 7. This Act shall take effect upon approval.

(Approved May 14, 1943.) **H.B. 224, Act 197.**

[C-128] An Act to Provide for Photostating and for Establishing and Maintaining a Record and an Index of Photostats of the Military Discharge Certificates of Veterans of the Military and Naval Service of the United States, and Making an Appropriation Therefor.

Be It Enacted by the Legislature of the Territory of Hawaii:

[Sec. 5165.01.] Section 1. [Records of honorable discharge certificates.] The bureau of conveyances of the Territory of Hawaii is hereby directed, upon request of a veteran, resident in Hawaii, or his next of kin, to photostat any honorable discharge certificate from the military or naval service of the United States of such veteran and to establish and maintain a record and an index of photostatic copies of all certificates of which such photostats may be made.

[Sec. 5165.02.] Section 2. [Charge for copies of records.] No charge shall be made for such photostating but no certificate shall be photostated more than once. The person requesting the photostat shall be furnished with such copies of such photostat, at a charge of twenty-five cents per copy, as shall be requested and paid for by such person at the time of the request for photostating.

Section 3. [Appropriation.] There is hereby appropriated from the general revenues of the Territory of Hawaii not otherwise appropriated the sum of two thousand dollars (\$2,000.00), or as much thereof as may be necessary, to pay the cost of the material and personal services necessary to effectuate the provisions of this Act.

Section 4. The money herein appropriated shall be expended upon warrants issued by the territorial auditor upon vouchers signed by the recorder of conveyances.

Section 5. This Act shall take effect upon its approval.

(Approved May 15, 1943.) **S.B. 91, Act 205.**

CHAPTER 149. NOTARIES PUBLIC.*

[C-129] An Act Amending Chapter 149, as Amended, of the Revised Laws of Hawaii 1935, Relating to Notaries Public.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 149 of the Revised Laws of Hawaii 1935, as amended, is hereby amended in the following particulars and respects:

(1) By amending section 5200 thereof, as amended by Act 322, Session Laws of Hawaii 1941, to read as follows:

"Sec. 5200. Appointment; tenure. The attorney general may, in his discretion, appoint and commission such number of notaries public for each of the several judicial circuits of the Territory as he shall deem necessary for the public good and convenience, provided, however, that for the first judicial circuit the number shall not exceed five hundred and in each of the other judicial circuits one hundred, except that, irrespective of the number of judicial circuits in the county of Hawaii, the number in said county shall not exceed one hundred and fifty, and provided, further, that with the approval of the governor, the attorney general may appoint and commission notaries public in excess of such numbers, not to exceed fifty in the first judicial circuit and ten in any other judicial circuit, when urgent necessity exists therefor. The term of office of a notary public shall be four years from the date of his commission, unless sooner removed by the attorney general for cause after due hearing; provided, further, that after due hearing the commission of a notary public may be revoked by the attorney general in any case where any change shall occur in such notary's office, occupation or employment which in his judgment renders the holding of such commission by such notary no longer necessary for the public good and convenience. Each notary shall, upon any change in his office, occupation or employment, forthwith report the same to the attorney general." [C.C. 1859, s. 1266; am. L. 1887, c. 11, s. 1; am. L. 1929, c. 3, s. 1; R.L. 1935, s. 5200; am. L. 1941, c. 322, s. 1; am. L. 1943, c. 173, pt. of s. 1.]

* See Act 154, *infra*, page 318, relating to notaries in county of Hawaii.

(2) By amending section 5201 thereof, as amended by said Act 322, to read as follows:

"Sec. 5201. Qualifications; oath. Every person appointed a notary public must, at the time of his appointment, possess the qualifications required of public officers and, in addition, be twenty years of age and a resident of the judicial circuit for which he is appointed; provided, that where such action is necessary, in the attorney general's judgment, for the public convenience, a government notary may be commissioned for any number of judicial circuits, and a private notary may be commissioned for two contiguous judicial circuits, but in any such case such notary shall be a resident of one of such circuits, and he shall keep a separate notarial record for each such circuit. Every person appointed to that office shall, before entering thereon, take and subscribe an oath for the faithful discharge of his duties, which oath shall be filed in the department of the attorney general." [C.C. 1859, s. 1267; R.L. 1935, s. 5201; am. L. 1941, c. 322, s. 2; am. L. 1943, c. 173, pt. of s. 1.]

(3) By amending section 5208 thereof, as amended by said Act 322, to read as follows:

"Sec. 5208. Disposition of records, penalty. The records of each notary public shall each year on June 30th, beginning with June 30, 1941, and upon the resignation, death, expiration of term of office, removal from or abandonment of office, or change of residence from the judicial circuit or circuits for which he is appointed, be deposited with the clerk of the circuit court of the judicial circuit for and in which such notary public was or is commissioned to act, or to which such records relate. By a neglect of sixty days to comply with the above requisition, the notary, his executor or administrator, shall forfeit to the Territory not less than fifty dollars nor more than five hundred dollars, in the discretion of the court, in an action brought therefor by the attorney general on behalf of the Territory." [P.C. 1869, c. 77, ss. 1, 2; am. L. 1913, c. 41, s. 1; R.L. 1935, s. 5208; am. L. 1941, c. 322, s. 5; am. L. 1943, c. 173, pt. of s. 1.]

(4) By amending section 5210 thereof, as amended by said Act 322, to read as follows:

"Sec. 5210. Notaries in government service. Except as otherwise provided for by law, the head of every department (which term as used in this chapter shall include any department, board, commission, bureau or establishment of the United States of America, or of the Territory, or any political

subdivision thereof) may designate one or more of his subordinates to be a notary public who, upon duly qualifying and receiving a commission as a notary public in government service, shall perform, without charge, the services of a notary public in all matters of business pertaining to the Territory, any political subdivision thereof, or the United States.

Any provision of this chapter to the contrary notwithstanding, a subordinate so designated and thus qualified and commissioned as a notary public in government service shall: (1) be authorized to perform the duties of a notary public in one or more of the judicial circuits of the Territory as the attorney general shall designate; (2) not be required (a) to pay any fee to the clerk of any circuit court for filing a copy of his commission; (b) to pay the annual fee for a license to act as a notary public; (c) to furnish and file an official bond unless such bond is required by the head of the department in which such notary is a subordinate, in which event, the expense of furnishing any such bond shall be borne by the department concerned; (3) not demand or receive any fee for his service as a notary public; provided, however, that where the occasion, in the judgment of the head of the department, is deemed one of urgent necessity and convenience, such notary may, but shall not be compelled to, administer oaths or take acknowledgments in non-governmental matters, for which services the prescribed fees shall be demanded and received as governmental realizations and covered into the general fund of the Territory; and provided, further, that with the prior written approval of the attorney general, such a notary public, upon paying the fees prescribed by law and upon executing, depositing and filing, at his own expense, the required official bond, may demand or receive the fees prescribed by law for services rendered by him in matters not pertaining to such public business." [L. 1931, c. 136, s. 1; R.L. 1935, s. 5210; am. L. 1941, c. 322, s. 6; am. L. 1943, c. 173, pt. of s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 12, 1943.) **S.B. 271, Act 173.**

Title XXI. CRIMINAL PROCEDURE.

CHAPTER 158. BOND TO KEEP THE PEACE. AMOUNT AND SURETY.

[C-130] An Act Relating to Bail in Criminal Cases.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 5439 of the Revised Laws of Hawaii 1935 is hereby repealed.

Section 2. This Act shall take effect upon its approval.

(Approved April 21, 1943.) S.B. 148, Act 49.

CHAPTER 161. FINES AND COSTS.

[C-131] An Act to Amend Sections 5552 and 6456 of the Revised Laws of Hawaii 1935, as Amended, Relating to Imprisonment for Fines and Costs and Discharge of Poor Convicts, and to Parole of Prisoners.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 5552 of the Revised Laws of Hawaii 1935, as amended by Act 153 (Series C-116) of the Session Laws of Hawaii 1937, is hereby amended to read as follows:

"Sec. 5552. Imprisonment for fine or costs; poor convict. When any judgment to pay fine and costs or either of them is not satisfied by immediate payment thereof, the offender so sentenced shall be committed to prison, there to remain, at hard labor in the case of a felony, until the judgment is satisfied; provided, however, that when a poor convict, sentenced by any court of the Territory to be imprisoned and pay a fine, or fine and costs, or to pay a fine, or fine and costs, has been confined in prison thirty days, solely for the nonpayment of such fine, or fine and costs, such convict may make application in writing to the circuit court of the judicial circuit where he is imprisoned setting forth his inability to pay such fine, or fine and costs, and after notice to the prosecuting attorney of such judicial circuit, who may appear, offer evidence, and be heard, the court shall proceed to hear and determine the matter. If on examination it shall appear to the court that such convict is unable to pay such fine, or fine and costs, and that he has not any property exceeding twenty dollars in

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value, except such as is by law exempt from being taken on execution for debt, the court shall direct the clerk thereof to administer to him the following oath :

‘I do solemnly swear that I have not any property, real or personal, to the amount of twenty dollars, except such as is by law exempt from being taken on civil process for debt; and that I have no property in any way conveyed or concealed, or in any way disposed of, for my future use or benefit. So help me God.’

Upon taking such oath such convict shall be discharged; and the court shall give to the officer charged with the duty of detaining such convict in jail a certificate setting forth the facts.” [P.C. 1869, c. 51, s. 2; am. L. 1870, c. 26, s. 2; am. L. 1905, c. 33, s. 2; R.L. 1935, s. 5552; am. L. 1937, c. 153, s. 1; am. L. 1943, c. 207, s. 1.]

Section 2. **Section 6456**, as amended by Act 203 (Series D-175) of the Session Laws of Hawaii 1939, is hereby further amended by amending the first sentence thereof following the head note to read as follows:

“Paroles may be granted at any time after the prisoner shall have served the minimum term of imprisonment fixed according to law; provided, that where a fine or fine and costs have also been imposed, which have not been paid, and if the prisoner has been imprisoned for at least thirty days, the board, upon being satisfied that the prisoner could qualify as a poor convict as defined in section 5552, and upon such prisoner taking oath before any officer authorized to administer oaths in the form prescribed by said section, may nevertheless parole said prisoner without payment of said fine or fine and costs, either with or without the condition that while on such parole he make payment of such fine or fine and costs, as the board deems proper under the circumstances.”

Section 3. This Act shall take effect upon its approval.

(Approved May 15, 1943.) **S.B. 139, Act 207.**

**CHAPTER 162A. INQUESTS,
 CORONERS.**

[C-132] An Act to Amend Act 90 (Series C-119) of the Session Laws of Hawaii 1935, as Amended by Act 288 (Series C-177) of the Regular Session Laws of Hawaii 1941, Relating to Investigations Concerning Deaths and

the Powers and Duties of the Coroner in Connection Therewith.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Act 90 of the Session Laws of Hawaii 1935, as amended by Act 288 of the Session Laws of Hawaii 1941, is hereby further amended by adding at the end of section 10-c (**section 5583 L**) thereof a new sentence to read as follows:

"If the coroner is of the opinion that a further or additional investigation as to the cause of death shall be made he shall have authority to have the same made, the expenses of which shall be paid by the county or city and county concerned."

Section 2. Said Act 90 is hereby further amended by adding a new section thereto to be known as section 10-d (**section 5583 M**) to read as follows:

"It shall be the duty of the coroner called to investigate the death of any person to notify the next of kin, if known, of such death by telephone, letter, cable or radiogram, as each case may necessitate. The treasurer of the county in which such death occurs is hereby authorized to make the disbursement necessary to defray the expenses involved in such notification."

Section 3. This Act shall take effect upon its approval.

(Approved May 15, 1943.) **H.B. 26, Act 209.**

Title XXII. CRIMINAL OFFENSES.

CHAPTER 180. DISORDERLY HOUSE AND DRUNKENNESS.

DRUNKENNESS.

[C-133] An Act to Amend Section 5814 of the Revised Laws of Hawaii 1935, Relating to Drunkenness.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 5814 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

"**Sec. 5814. Punishment.** Whoever is found drunk in any street, road or other public place from the voluntary use of

intoxicating liquor, shall on conviction of such offense be punished by a fine not exceeding \$100.00 or imprisonment not exceeding three months or by both such fine and imprisonment, but no prosecution for such offense shall be sustained unless it shall be commenced within six (6) days after the commission thereof." [P.C. 1869, c. 34, s. 1; am. L. 1876, c. 4, s. 1; R.L. 1935, s. 5814; am. L. 1943, c. 180, s. 1.]

Section 2. This Act shall become effective upon its approval.

(Approved May 12, 1943.) **H.B. 67, Act 180.**

CHAPTER 195. LARCENY.

[C-134] An Act to Amend Sections 6038 and 6080 of the Revised Laws of Hawaii 1935, Relating to the Punishment Respectively for Larceny and Malicious Injury.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. The second paragraph of **section 6038** of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

"All other larceny is in the second degree, and shall be punished by imprisonment of not more than one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment."

Section 2. Section 6080 of said Revised Laws is hereby amended to read as follows:

"**Sec. 6080. Malicious injury defined; punishment.** Whoever negligently or maliciously destroys or injures any real or personal property of another, or injures or disturbs another in any of his rights or privileges of person or property shall be deemed guilty of malicious injury and shall be punished by imprisonment of not more than one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment." [L. 1896, c. 35, s. 1; am. L. 1904, c. 8, s. 1; R.L. 1935, s. 6080; am. L. 1943, c. 95, s. 2.]

Section 3. This Act shall take effect upon its approval.

(Approved April 30, 1943.) **H.B. 218, Act 95.**

CHAPTER 198. MALICIOUS INJURY, INJURY BY EXPLOSIVES, ETC.

[**Sec. 6080**, amended by preceding Act.]

CHAPTER 207. SABBATH VIOLATIONS.

[See J.R. 1, *infra*, page 324.]

CHAPTER 212. TRAFFIC VIOLATIONS.

WEIGHT, LOAD, SIZE, WIDTH, HEIGHT, ETC.

[C-135] An Act to Amend Section 6299B of the Revised Laws of Hawaii 1935, as Enacted by Act 216 of the Session Laws of Hawaii 1941, Relating to the Weights of Vehicles on Public Roads, Streets and Highways.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Lines 6, 7 and 8 of subsection 5 of **section 6299B** of the Revised Laws of Hawaii 1935, as enacted by section 1 of Act 216 (Series C-190) of the Session Laws of Hawaii 1941, which reads:

Solid tires	Area = 1.2566 _w 2
Cushion tires	" = 1.4922 _w 2
Pneumatic tires	" = 1.5708 _w 2

is hereby amended to read:

Solid tires	Area = 1.2566w ²
Cushion tires	" = 1.4922w ²
Pneumatic tires	" = 1.5708w ²

Section 2. This Act shall take effect upon its approval.

(Approved April 28, 1943.) **H.B. 253, Act 76.**

Title XXIII. PRISONS.

CHAPTER 217. PRISONS, JAILS, ADMINISTRATION; PRISONERS.

[C-136] An Act to Amend Section 6405-B, as Amended, of the Revised Laws of Hawaii 1935, Relating to Removal of Prisoners to the Territorial Hospital, so as to Provide for Cases of Misdemeanants.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 6405-B** of chapter 217 of the Revised Laws of Hawaii 1935, as enacted by Act 38 (Series C-122) of

the Session Laws of Hawaii 1937, and amended by Act 203 (Series D-175) of the Session Laws of Hawaii 1939, is hereby further amended by adding at the end thereof a new paragraph to read as follows:

"The governor likewise may direct that a prisoner convicted of a misdemeanor be removed to the territorial hospital for like purposes, and all of the provisions of the first sentence of the foregoing paragraph shall apply in such cases, except that the application must be made by the officer having custody of the prisoner and must be accompanied by a certificate of the jail physician or of a psychiatrist of the bureau of mental hygiene or the territorial hospital, provided that if the prisoner previously has been committed to the hospital as a drug or liquor addict the application must be accompanied by the certificate of the medical director of the hospital. If the prisoner be discharged before the expiration of his term of imprisonment he shall be returned to the jail from which he was removed to serve the remainder of his term."

Section 2. This Act shall take effect upon its approval.

(Approved May 12, 1943.) **S.B. 184, Act 169.**

LABOR BY PRISONERS.

[C-137] An Act to Amend Chapter 217 of the Revised Laws of Hawaii 1935, as Amended, by Adding Thereto a New Section Providing for a Special Expendable Fund for the Territorial Prisons and to Provide for Payments and Expenditures from Said Fund.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 217 of the Revised Laws of Hawaii 1935, as amended, is hereby further amended by adding thereto a new section to be numbered Sec. 6437.1 and to read as follows:

"Sec. 6437.1. **Special Fund; proceeds of agricultural and industrial pursuits.** All moneys arising from agricultural or industrial pursuits or activities conducted at any territorial prison (which term as used in this section shall include prison camps), and all moneys arising from the sale of produce from any public lands of the Territory which have been duly set apart by executive order for use by any such prison or from the sale of produce of animal husbandry conducted by any

such prison shall, upon receipt thereof, be paid into the territorial treasury into a special fund to be known as the territorial prison special fund. Moneys in said fund shall be expendable by the director for any of the purposes of any such prison."

Section 2. This Act shall take effect upon its approval.

(Approved April 30, 1943.) **H.B. 200, Act 94.**

PAROLE OF PRISONERS.

[**Sec. 6456**, amended by Act 207, *infra*, page 195.]

Title XXIV.

CORPORATIONS— PARTNERSHIPS.

CHAPTER 218. BANKS: HAWAII BANK ACT OF 1931.

ORGANIZATION AND CORPORATE POWERS OF BANKS.

[D-138] An Act to Amend the Hawaii Bank Act of 1931, as Amended (Chapter 218, Revised Laws of Hawaii 1935), Relating to Banks and Banking.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 6510 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

"Sec. 6510. Paid-up capital and surplus requirements. Every bank existing under or hereafter organized under the laws of the Territory, shall have a paid-up-in-cash capital of not less than two hundred thousand dollars and a paid-in cash surplus equivalent to fifty per centum of its paid-in capital. Each such bank shall before the declaration of a dividend carry twenty-five per centum of its net profits of the preceding calendar year to its surplus until the same shall equal its paid-up capital." [L. 1931, c. 177, s. 11; R.L. 1935, s. 6510; am. L. 1943, c. 211, s. 1.]

Section 2. Section 6526 of the Revised Laws of Hawaii 1935 is hereby amended by changing the semicolon appearing before the word "provided" in the last sentence thereof to a period and deleting all of the section following said period.

Section 3. **Sections 6640, 6641, 6642 and 6643** of the Revised Laws of Hawaii 1935 are hereby repealed.

Section 4. Section 6548 of the Revised Laws of Hawaii 1935, as amended by Act 62 (Series D-123), Session Laws of Hawaii 1937, is hereby further amended to read as follows:

"Sec. 6548. Deposit in approved bank of funds. No bank mentioned or defined in sections 6501, 6502, 6503 or 6505 of this chapter shall deposit any of its funds with another bank, except in a federal reserve bank, unless such other bank has been designated a depository for the bank's funds by a vote of a majority of the directors of the depositing bank, in which case such bank shall not deposit therewith funds, in an amount in excess of twenty-five per centum of its paid-up and unimpaired capital and surplus, or allocated aggregate paid-up capital and surplus; provided, however, that if the receiving bank, so designated, has been approved by the treasurer as a reserve bank for the purpose of receiving the depositing bank's reserve funds such depositing bank may deposit with such receiving bank funds in an amount equal to but not to exceed three hundred per centum of its paid-up and unimpaired capital and surplus or allocated aggregate paid-up capital and surplus; provided, further, however, that the aggregate of all deposits in banks not chartered under the laws of the United States, or any state or territory in the United States, shall at no time exceed twenty-five per centum of the aggregate paid-up and unimpaired capital and surplus or allocated aggregate paid-up capital and surplus. The treasurer shall have the power to waive the foregoing restrictions to such an extent as he may consider advisable upon an affirmative showing having been made to him that the interest of all concerned will be better served by such waiver." [L. 1931, c. 177, s. 48; R.L. 1935, s. 6548; am. L. 1937, c. 62, s. 1; am. L. 1943, c. 211, s. 4.]

Section 5. Section 6549 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

"Sec. 6549. Bank examiner's determination of condition of bank. When it shall appear to the bank examiner from any examination or report that, in view of the quality of the bank's loans and investments, the capital, surplus and other capital funds of the bank are insufficient for public safety, he shall in writing order the bank to remedy the situation. The bank shall, within such time as he may fix, either increase its capi-

tal or surplus or make improvements in the quality of its loans and investments, in the amount or to the extent that the bank examiner may determine to be necessary for public safety. The failure of the bank to so do shall entitle the treasurer to immediately close the bank and take possession of its assets and proceed with the liquidation of the bank; provided such bank may, with the consent of the treasurer, later resume business upon such conditions as the treasurer may approve." [L. 1931, c. 177, s. 49; R.L. 1935, s. 6549; am. L. 1943, c. 211, s. 5.]

Section 6. Section 6554 of the Revised Laws of Hawaii 1935, as amended by Act 63 of the Session Laws of Hawaii 1937, is hereby further amended by amending the first paragraph thereof down to the first semicolon thereof to read as follows:

"Sec. 6554. Limitations on loans and investments; exemptions. No bank shall permit a person, firm, company or private corporation to become indebted or liable to it, either directly or indirectly, in an amount in excess of twenty per centum of the aggregate paid-up and unimpaired capital and surplus or allocated aggregate paid-up capital and surplus of the bank;";

and by amending the second paragraph down through the first semicolon thereof to read as follows:

"No amount in excess of twenty per centum of the aggregate paid-up and unimpaired capital and surplus or allocated aggregate paid-up capital and surplus of any bank shall be invested by it in bonds, debentures and other similar evidences of indebtedness issued by or obligating or pledging the faith, credit or property of any one or the same government, country or political subdivision or municipality of such government or country; provided, however, that such limitation of twenty per centum may be increased up to but not exceeding thirty per centum of the bank's aggregate paid-up and unimpaired capital and surplus or allocated aggregate paid-up capital and surplus with the prior approval of the treasurer upon a satisfactory showing being made to the treasurer that the interests of all concerned will be better served by the granting of such approval; and".

Section 7. Section 6570 of the Revised Laws of Hawaii 1935, is hereby amended by changing the semicolon appearing before the word "provided" to a period and deleting all of the section following said period.

Section 8. Paragraph 6 of section 6579 of the Revised Laws of Hawaii 1935, as amended by Act 61 (Series D-127) of the

Session Laws of Hawaii 1937, is hereby further amended to read as follows:

"6. In the notes of any individual, firm, company, co-partnership, association or corporation with a pledge as collateral of securities or personal property the cash market value of which in each case shall be at least thirty-three and one-third per centum more than the amount of the loan."

Section 9. Section 6607 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

"**Sec. 6607. Capital impaired.** The capital of a bank shall be deemed impaired when any shrinkage occurs in the surplus which it is at the time required to have pursuant to section 6510, or in its capital. In determining whether a shrinkage has occurred, obligations of the United States, direct or indirect, bonds of the Territory of Hawaii or its political subdivisions, and other bonds which the bank examiner finds to be of similar quality shall be valued at par if their respective cash market values are less than par. Other assets shall be valued at cash market value unless the bank examiner determines that by virtue of extraordinary market conditions then prevailing their cash market value is greater or less than their true value, in which event he may adopt such other method of valuation as he finds to be acceptable to and consonant with then prevailing principles of sound banking practice. Whenever it shall appear to the treasurer, either from his own examination or the examination of any duly appointed bank examiner or from any report made by any bank to the treasurer that the capital of the bank is impaired, the treasurer shall notify the bank to make good the impairment. It shall be the duty of the directors of the bank receiving such notice to immediately call a meeting of the shareholders of the bank for the purpose of making good the impairment, which meeting shall be within fifteen days of the date of the receipt of the notice. It shall be the duty of the shareholders at such meeting to take action within the time specified by the treasurer to make up the impairment. The impairment shall be made up when the bank shall have obtained through the sale of additional stock or by other capital contribution, cash in an amount equal to the impairment. Upon making up the impairment, if the surplus of the bank is then less than fifty per centum of the capital, the bank shall not be deemed in violation of section 6510, but the bank shall thereafter augment its surplus as in section 6510 provided. Any further shrinkage in surplus or capital which occurs after an impairment has been made up shall also be deemed an impairment and subject to the provisions of this section. The failure to

call such meeting of the shareholders, or the failure to hold such meeting, or the failure of the stockholders to take such action to cover the impairment within the time prescribed by the treasurer, shall entitle the treasurer to immediately close the bank and take possession of its assets and proceed with the liquidation of the bank; provided such bank may, with the consent of the treasurer, later resume business upon such conditions as the treasurer may approve." [L. 1931, c. 177, s. 107; R.L. 1935, s. 6607; am. L. 1943, c. 211, s. 9.]

Section 10. Section 6608 of the Revised Laws of Hawaii 1935 is hereby repealed.

Section 11. Section 6612 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

"Sec. 6612. 'Insolvency' defined. A bank shall be deemed to be insolvent when the value of its assets is insufficient to pay its depositors and its creditors. In valuing the bank's assets the treasurer shall follow the same method as prescribed in section 6607." [L. 1931, c. 177, s. 109; R.L. 1935, s. 6612; am. L. 1943, c. 211, s. 11.]

Section 12. This Act shall take effect upon its approval.

(Approved May 15, 1943.) S.B. 231, Act 211.

CHAPTER 224. INSURANCE COMPANIES AND INSURANCE LAW.

[D-139] An Act to Amend Section 6827, Revised Laws of Hawaii 1935, Relating to the Form of Fire Insurance Policy to be Used in the Territory of Hawaii.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 6827 of the Revised Laws of Hawaii 1935 is hereby amended in the following respects:

(1) By amending subsection 1 thereof to read as follows:
"1. The standard fire insurance policy of the State of New York, as revised in 1942, by chapter 900 of the Laws of New York, is hereby adopted as the standard form of fire insurance policy for the Territory; provided, lines 12 to 24, inclusive, of page 2 of said standard fire insurance policy of the State of New York, as so revised, are not hereby adopted, but in their stead shall be inserted the following:

'Perils not included. This company shall not be liable for loss by fire or other perils insured against in this policy caused.

directly or indirectly, by: (a) enemy attack by armed forces, including action taken by military, naval or air forces in resisting an actual or an immediately impending enemy attack; (b) invasion; (c) insurrection; (d) rebellion; (e) revolution; (f) civil war; (g) usurped power; (h) order of any civil authority except acts of destruction at the time of and for the purpose of preventing the spread of fire, provided that such fire did not originate from any of the perils excluded by this policy; (i) neglect of the insured to use all reasonable means to save and preserve the property at and after a loss, or when the property is endangered by fire in neighboring premises; (j) nor shall this company be liable for loss by theft."

"No fire insurance policy shall be issued in the Territory in any other than the aforesaid form with such additions as are allowed by the terms of this chapter; provided, that nothing herein shall affect the validity of any policy otherwise valid or of any claim thereunder against an insurance company; and provided further, that this subsection shall not refer to or include policies written upon automobiles."

(2) By deleting part (7) of subsection 3 thereof.

Section 2. This Act shall take effect on July 1, 1944.

(Approved May 13, 1943.) **S.B. 224, Act 194.**

[D-140] An Act to Amend Section 6828 of the Revised Laws of Hawaii 1935, Relating to Insurance Surplus Lines, Licenses, Bonds and License Fees.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 6828** of the Revised Laws of Hawaii 1935 is hereby amended in the following particulars and respects:

1. By amending paragraph 1, subparagraph (a) to read as follows:

"(a) The agent has executed and delivered to the commissioner, in addition to any other bond required by law, a good and sufficient bond signed by the agent as principal, with a surety, which must be a surety company authorized to do business in the Territory, to be approved by the commissioner and running to the commissioner and to his successors in office, in the sum of five thousand dollars, with the condition that the surety on the bond shall be answerable in the amount of the bond for all judgments, decrees, or orders given, made or rendered against the principal on the bond

by any court in the Territory for the payment of money. In case of any breach of the condition of any bond, the person injured by the breach may enforce the bond in the name of the insurance commissioner by appropriate proceedings in any court of competent jurisdiction. The surety on the above bond may withdraw from the same upon giving to the commissioner written notice of its intention to withdraw not less than sixty days prior to the date on which the then existing certificate of authority of such company is to expire, such withdrawal to be effective on the date of such expiration; provided, however, that such surety shall remain liable on the bond for all judgments, decrees or orders given, made or rendered against the principal, based upon any obligation or liability incurred thereon."

2. By amending paragraph 1, subparagraph (b) to read as follows:

"(b) The annual fee of one hundred dollars has been paid to the commissioner."

3. By amending paragraph 2 to read as follows:

"2. Any agent named in the license may solicit and place insurance in companies not admitted to do business in the Territory only if such insurance cannot be procured from a majority of the insurers admitted for the particular class or classes of insurance, and if the insurance is not placed for the purpose of procuring a rate lower than the lowest rate which will be accepted by any admitted insurer."

4. By amending paragraph 3 to read as follows:

"3. It shall be conclusively presumed that insurance is placed in violation of this section where the insurance is actually placed with a non-admitted insurer at a lower rate of premium or lower premium than the lowest rate of premium or the lowest premium which could be obtained from an admitted insurer unless, at the time such insurance attached, there is filed with the commissioner a statement describing the insurance, specifying the rate and the nearest procurable rates from admitted insurers. Unless the commissioner within five days after such filing notifies the filing agent that in his opinion the placing of the insurance constitutes a violation of this section, the agent may thereafter maintain in effect such insurance. If within such five-day period the commissioner notifies the agent holding the surplus lines license that such insurance is in violation of this section and orders the agent to effect termination of such insurance within ten days from such notice, and the agent fails or refuses to effect such termination, such failure or refusal shall constitute a violation

of this section. Statements filed under this section shall not be subject to public inspection unless the commissioner determines that the public interest requires that any statements be made so subject."

Section 2. This Act shall take effect upon its approval, or on April 15, 1943, whichever shall be later.

(Approved May 14, 1943.) **S.B. 189, Act 200.**

MUTUAL AND FRATERNAL BENEFIT SOCIETIES.

[D-141] An Act to Amend Chapter 224 of the Revised Laws of Hawaii 1935, Relating to Mutual and Fraternal Benefit Societies.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 6852 of the Revised Laws of Hawaii 1935, as amended, is hereby further amended to read as follows:

"Sec. 6852. Definition; exemption. Any corporation, unincorporated association, society or entity (1) organized and carried on for the primary benefit of its members and their beneficiaries and not for profit, and making provision for the payment of benefits in case of sickness, disability or death of its members, or disability or death of its members' wives or children, or making provision for the payment of any other benefits to or for its members, whether or not the amount of any such benefits is fixed or rests in the discretion of the society, its officers or any other person or persons, the fund from which the payment of such benefits shall be made and the fund from which the expenses of the society shall be defrayed being derived from assessments or dues collected from its members, and the payment of death benefits being made to the families, heirs, blood relatives or persons named by its members as their beneficiaries, or (2) organized and carried on for any purpose, which regularly requires money to be paid to it by its members, whether such money be in the form of dues, subscriptions, receipts, contributions, assessments or otherwise, and which provides for the payment of any benefit or benefits or the payment of any money or the delivery of anything of value to its members or their relatives, or to any person or persons named by its members as their beneficiaries, or to any class of persons which includes or may include its members, whether or not the amount or value of the benefit,

benefits, money or thing of value is fixed, or rests in the discretion of the society, its officers or any other person or persons, or (3) organized and carried on for any purpose, whose requirements and provisions altho not identical with are determined by the insurance commissioner to be substantially similar to those enumerated in (1) and (2) above, is hereby declared to be, for the purpose hereof, a mutual benefit society. It shall be deemed to be a fiduciary company within the meaning of section 6758 and shall, in all respects, unless otherwise specifically provided, be subject to the provisions of chapter 221, relating to fiduciary companies. Such society shall be and is exempt from the provisions of the insurance laws of the Territory, except as hereinafter provided." [L. 1919, c. 101, s. 4; R.L. 1935, s. 6852; am. L. 1935, c. 172, s. 1; am. L. 1937, c. 177, s. 1; am. L. 1939, c. 209, pt. of s. 1; am. L. 1943, c. 166, s. 1.]

Section 2. The insurance commissioner shall, within six months after the effective date of this Act, review the financial plans of all mutual benefit societies registered and licensed to operate in the Territory. When the financial plan of any such society is under review, the society shall be notified to that effect and shall be given an opportunity to appear before the insurance commissioner and be heard in the matter. If the insurance commissioner shall determine that the plan of any such society is financially unsound, he shall enter an order to that effect and immediately notify the society thereof. If, within three months or such further time as the commissioner shall allow, the society has not so altered its plan as to place it on a sound financial basis, then, upon the insurance commissioner's request, application shall be made by the attorney general on his behalf to a judge or a court of competent jurisdiction for the appointment of a receiver for the society. Upon presentation of such application, if it shall be made to appear to the court that the plan of any such society is at the time of filing the application financially unsound, the court or judge shall appoint a competent person as receiver and shall determine his bond and prescribe his duties, and make such other or further orders as shall seem proper. The directors or managers of such society shall be entitled to appointment as such receiver unless the judge, for satisfactory cause, shall find such persons incompetent for the appointment. Any receiver so appointed shall, except as otherwise provided by the court or judge, have, exercise and perform all of the powers and duties of a receiver of a fiduciary company as conferred and prescribed in section 6763, which is hereby made applicable.

Section 3. This Act shall take effect upon its approval.

(Approved May 12, 1943.) **S.B. 234, Act 166.**

CHAPTER 225. PARTNERSHIPS, REGISTRATION OF.

UNIFORM LIMITED PARTNERSHIP ACT.

[D-142] An Act Providing for the Formation and Regulation of Limited Partnerships, to Make Uniform the Law Relating Thereto, and to Amend or Repeal Certain Laws Relating to Special Partnerships and Other Inconsistent Laws so as to Conform to This Act.

Be It Enacted by the Legislature of the Territory of Hawaii:

[Sec. 6870.01.] Section 1. **Limited partnership defined.** A limited partnership is a partnership formed by two or more persons under the provisions of section 2, having as members one or more general partners and one or more limited partners. The limited partners as such shall not be bound by the obligations of the partnership.

[Sec. 6870.02.] Section 2. **Formation.** (1) Two or more persons, each of whom may be an individual or a corporation and any of whom may be acting in a fiduciary capacity, desirous of forming a limited partnership, shall sign, acknowledge and file a certificate, as follows:

- (a) The certificate shall state:
 - I. The name of the partnership,
 - II. The character of the business,
 - III. The location of the principal place of business,
 - IV. The name and place of residence of each member; general and limited partners being respectively designated,
 - V. The term for which the partnership is to exist,
 - VI. The amount of cash and a description of and the agreed value of the other property contributed by each limited partner,
 - VII. The additional contributions, if any, agreed to be made by each limited partner and the times at which or events on the happening of which they shall be made,
 - VIII. The time, if agreed upon, when the contribution of each limited partner is to be returned,
 - IX. The share of the profits or the other compensation by way of income which each limited partner shall receive by reason of his contribution,

X. The right, if given, of a limited partner to substitute an assignee as contributor in his place, and the terms and conditions of the substitution,

XI. The right, if given, of the partners to admit additional limited partners,

XII. The right, if given, of one or more of the limited partners to priority over other limited partners, as to contributions or as to compensation by way of income, and the nature of such priority,

XIII. The right, if given, of the remaining general partner or partners to continue the business on the death, retirement or insanity of a general partner, and

XIV. The right, if given, of a limited partner to demand and receive property other than cash in return for his contribution.

(b) The certificate shall be acknowledged by each of said persons before some officer authorized to take acknowledgments of deeds, and shall be filed in the office of the treasurer.

(2) A limited partnership is formed if there has been substantial compliance in good faith with the requirements of paragraph (1).

(3) The treasurer shall preserve the certificate and keep a record of the same, which shall be duly indexed. The certificate, record and index shall, during all business hours, be open to the inspection of the public, free of charge. A fee of fifty cents shall be charged for each name signed to any certificate.

[Sec. 6870.03.] Section 3. **Business which may be carried on.** A limited partnership may carry on any lawful business.

[Sec. 6870.04.] Section 4. **Character of limited partner's contribution.** The contributions of a limited partner may be cash or other property, but not services.

[Sec. 6870.05.] Section 5. **A name not to contain surname of limited partner; exceptions.** (1) The surname of a limited partner shall not appear in the partnership name, unless

(a) It is also the surname of a general partner, or

(b) Prior to the time when the limited partner became such the business had been carried on under a name in which his surname appeared.

(2) A limited partner whose name appears in a partnership name contrary to the provisions of paragraph (1) is liable as a general partner to partnership creditors who extend credit to the partnership without actual knowledge that he is not a general partner.

[Sec. 6870.06.] Section 6. **Liability for false statements in certificate.** If the certificate contains a false statement, one

who suffers loss by reliance on such statement may hold liable any party to the certificate who knew the statement to be false,

(a) At the time he signed the certificate, or

(b) Subsequently, but within a sufficient time before the statement was relied upon to enable him to cancel or amend the certificate, or to file a petition for its cancellation or amendment as provided in section 25 (3).

[Sec. 6870.07.] Section 7. **Limited partner not liable to creditors.** A limited partner shall not become liable as a general partner unless, in addition to the exercise of his rights and powers as a limited partner, he takes part in the control of the business.

[Sec. 6870.08.] Section 8. **Admission of additional limited partners.** After the formation of a limited partnership, additional limited partners may be admitted upon filing an amendment to the original certificate in accordance with the requirements of section 25.

[Sec. 6870.09.] Section 9. **Rights, powers and liabilities of a general partner.** (1) A general partner shall have all the rights and powers and be subject to all the restrictions and liabilities of a partner in a partnership without limited partners, except that without the written consent or ratification of the specific act by all the limited partners, a general partner or all of the general partners have no authority to

(a) Do any act in contravention of the certificate,

(b) Do any act which would make it impossible to carry on the ordinary business of the partnership,

(c) Confess a judgment against the partnership,

(d) Possess partnership property, or assign their rights in specific partnership property, for other than a partnership purpose,

(e) Admit a person as a general partner,

(f) Admit a person as a limited partner, unless the right so to do is given in the certificate,

(g) Continue the business with partnership property on the death, retirement or insanity of a general partner, unless the right so to do is given in the certificate.

[Sec. 6870.10.] Section 10. **Rights of a limited partner.** (1) A limited partner shall have the same rights as a general partner to

(a) Have the partnership books kept at the principal place of business of the partnership, and at all times to inspect and copy any of them,

(b) Have on demand true and full information of all things affecting the partnership, and a formal account of partnership

affairs whenever circumstances render it just and reasonable, and

(c) Have dissolution and winding up by decree of court.

(2) A limited partner shall have the right to receive a share of the profits or other compensation by way of income, and to the return of his contribution as provided in sections 15 and 16.

[Sec. 6870.11.] Section 11. **Status of person erroneously believing himself a limited partner.** A person who has contributed to the capital of a business conducted by a person or partnership, erroneously believing that he has become a limited partner in a limited partnership, is not, by reason of his exercise of the rights of a limited partner, a general partner with the person or in the partnership carrying on the business, or bound by the obligations of such person or partnership; provided that on ascertaining the mistake he promptly renounces his interest in the profits of the business, or other compensation by way of income.

[Sec. 6870.12.] Section 12. **One person both general and limited partner.** (1) A person may be a general partner and a limited partner in the same partnership at the same time.

(2) A person who is a general, and also at the same time a limited, partner shall have all the rights and powers and be subject to all the restrictions of a general partner; except that, in respect to his contribution, he shall have the rights against the other members which he would have had if he were not also a general partner.

[Sec. 6870.13.] Section 13. **Loans and other business transactions with limited partner.** (1) A limited partner also may loan money to and transact other business with the partnership, and, unless he is also a general partner, receive on account of resulting claims against the partnership, with general creditors, a pro rata share of the assets. No limited partner shall in respect to any such claim

(a) Receive or hold as collateral security any partnership property, or

(b) Receive from a general partner or the partnership any payment, conveyance, or release from liability, if at the time the assets of the partnership are not sufficient to discharge partnership liabilities to persons not claiming as general or limited partners.

(2) The receiving of collateral security, or a payment, conveyance, or release in violation of the provisions of paragraph (1) is a fraud on the creditors of the partnership.

[Sec. 6870.14.] Section 14. **Relation of limited partners**

inter se. Where there are several limited partners the members may agree that one or more of the limited partners shall have a priority over other limited partners as to the return of their contributions, as to their compensation by way of income, or as to any other matter. If such an agreement is made it shall be stated in the certificate, and in the absence of such a statement all the limited partners shall stand upon equal footing.

[Sec. 6870.15.] **Section 15. Compensation of limited partner.** A limited partner may receive from the partnership the share of the profits or the compensation by way of income stipulated for in the certificate; provided that, after such payment is made, whether from the property of the partnership or that of a general partner, the partnership assets are in excess of all liabilities of the partnership except liabilities to limited partners on account of their contributions and to general partners.

[Sec. 6870.16.] **Section 16. Withdrawal or reduction of limited partner's contribution.** (1) A limited partner shall not receive from a general partner or out of partnership property any part of his contribution until

(a) All liabilities of the partnership, except liabilities to general partners and to limited partners on account of their contributions, have been paid or there remains property of the partnership sufficient to pay them,

(b) The consent of all members is had, unless the return of the contribution may be rightfully demanded under the provisions of paragraph (2), and

(c) The certificate is cancelled or so amended as to set forth the withdrawal or reduction.

(2) Subject to the provisions of paragraph (1) a limited partner may rightfully demand the return of his contribution

(a) On the dissolution of a partnership, or

(b) When the date specified in the certificate for its return has arrived, or

(c) After he has given six months' notice in writing to all other members, if no time is specified in the certificate either for the return of the contribution or for the dissolution of the partnership.

(3) In the absence of any statement in the certificate to the contrary or the consent of all members, a limited partner, irrespective of the nature of his contribution, has only the right to demand and receive cash in return for his contribution.

(4) A limited partner may have the partnership dissolved and its affairs wound up when

(a) He rightfully but unsuccessfully demands the return of his contribution, or

(b) The other liabilities of the partnership have not been paid, or the partnership property is insufficient for their payment as required by paragraph (1a) and the limited partner would otherwise be entitled to the return of his contribution.

[Sec. 6870.17.] Section 17. Liability of limited partner to partnership.

(1) A limited partner is liable to the partnership

(a) For the difference between his contribution as actually made and that stated in the certificate as having been made, and

(b) For any unpaid contribution which he agreed in the certificate to make in the future at the time and on the conditions stated in the certificate.

(2) A limited partner holds as trustee for the partnership

(a) Specific property stated in the certificate as contributed by him, but which was not contributed or which has been wrongfully returned, and

(b) Money or other property wrongfully paid or conveyed to him on account of his contribution.

(3) The liabilities of a limited partner as set forth in this section can be waived or compromised only by the consent of all members; but a waiver or compromise shall not affect the right of a creditor of a partnership, who extended credit or whose claim arose after the filing and before a cancellation or amendment of the certificate, to enforce such liabilities.

(4) When a contributor has rightfully received the return in whole or in part of the capital of his contribution, he is nevertheless liable to the partnership for any sum, not in excess of such return with interest, necessary to discharge its liabilities to all creditors who extended credit or whose claims arose before such return.

[Sec. 6870.18.] Section 18. Nature of limited partner's interest in partnership. A limited partner's interest in the partnership is personal property.

[Sec. 6870.19.] Section 19. Assignment of limited partner's interest.

(1) A limited partner's interest is assignable.

(2) A substituted limited partner is a person admitted to all the rights of a limited partner who has died or has assigned his interest in a partnership.

(3) An assignee, who does not become a substituted limited partner, has no right to require any information or account of the partnership transactions or to inspect the partnership books; he is only entitled to receive the share of the profits or other compensation by way of income, or the return of his

contribution, to which his assignor would otherwise be entitled.

(4) An assignee shall have the right to become a substituted limited partner if all the members (except the assignor) consent thereto or if the assignor, being thereunto empowered by the certificate, gives the assignee that right.

(5) An assignee becomes a substituted limited partner when the certificate is appropriately amended in accordance with section 25.

(6) The substituted limited partner has all the rights and powers, and is subject to all the restrictions and liabilities of his assignor, except those liabilities of which he was ignorant at the time he became a limited partner and which could not be ascertained from the certificate.

(7) The substitution of the assignee as a limited partner does not release the assignor from liability to the partnership under sections 6 and 17.

[Sec. 6870.20.] Section 20. **Effect of retirement, death or insanity of a general partner.** The retirement, death or insanity of a general partner dissolves the partnership, unless the business is continued by the remaining general partners

- (a) Under a right so to do stated in the certificate, or
- (b) With the consent of all members.

[Sec. 6870.21.] Section 21. **Death of limited partner.** (1) On the death of a limited partner his executor or administrator shall have all the rights of a limited partner for the purpose of settling his estate, and such power as the deceased had to constitute his assignee a substituted limited partner.

(2) The estate of a deceased limited partner shall be liable for all his liabilities as a limited partner.

[Sec. 6870.22.] Section 22. **Rights of creditors of limited partner.** (1) On due application to a court of competent jurisdiction by any creditor of a limited partner, the court may charge the interest of the indebted limited partner with payment of the unsatisfied amount of such claim; and may appoint a receiver, and make all other orders, directions, and inquiries which the circumstances of the case may require.

(2) The interest may be redeemed with the separate property of any general partner, but may not be redeemed with partnership property.

(3) The remedies conferred by paragraph (1) shall not be deemed exclusive of others which may exist.

(4) Nothing in this Act shall be held to deprive a limited partner of his statutory exemption.

[Sec. 6870.23.] Section 23. **Distribution of assets.** (1) In settling accounts after dissolution the liabilities of the partnership shall be entitled to payment in the following order:

(a) Those to creditors, in the order of priority as provided by law, except those to limited partners on account of their contributions, and to general partners,

(b) Those to limited partners in respect to their share of the profits and other compensation by way of income on their contributions,

(c) Those to limited partners in respect to the capital of their contributions,

(d) Those to general partners other than for capital and profits,

(e) Those to general partners in respect to profits,

(f) Those to general partners in respect to capital.

(2) Subject to any statement in the certificate or to subsequent agreement, limited partners share in the partnership assets in respect to their claims for capital and in respect to their claims for profits or for compensation by way of income on their contributions respectively in proportion to the respective amounts of such claims.

[Sec. 6870.24.] Section 24. **When certificate shall be cancelled or amended.** (1) The certificate shall be cancelled when the partnership is dissolved or all limited partners cease to be such.

(2) A certificate shall be amended when

(a) There is a change in the name of the partnership or in the amount or character of the contribution of any limited partner,

(b) A person is substituted as a limited partner,

(c) An additional limited partner is admitted,

(d) A person is admitted as a general partner,

(e) A general partner retires, dies or becomes insane, and the business is continued under section 20,

(f) There is a change in the character of the business of the partnership,

(g) There is a false or erroneous statement in the certificate,

(h) There is a change in the time as stated in the certificate for the dissolution of the partnership or for the return of a contribution,

(i) A time is fixed for the dissolution of the partnership, or the return of a contribution, no time having been specified in the certificate, or

(j) The members desire to make a change in any other

statement in the certificate in order that it shall accurately represent the agreement between them.

[Sec. 6870.25.] **Section 25. Requirements for amendment and for cancellation of certificate.** (1) The writing to amend a certificate shall

(a) Conform to the requirements of section 2 (1a) as far as necessary to set forth clearly the change in the certificate which it is desired to make, and

(b) Be signed and acknowledged by all members. An amendment substituting a limited partner, or adding a limited or general partner, shall be signed and acknowledged also by the member to be substituted or added, and when a limited partner is to be substituted, the amendment shall also be signed and acknowledged by the assigning limited partner.

(2) The writing to cancel a certificate shall be signed and acknowledged by all members.

(3) A person desiring the cancellation or amendment of a certificate, if any person designated in paragraphs (1) and (2) as a person who must execute the writing refuses to do so, may bring a suit in equity, in the circuit court of the circuit in which the principal place of business of the partnership is situated, for an order directing the cancellation or amendment thereof.

(4) If the court finds that the petitioner has a right to have the writing executed by a person who refuses to do so, it shall order the treasurer to record the cancellation or amendment of the certificate; and where the certificate is to be amended, the court shall also cause to be filed in the office of the treasurer a certified copy of its decree setting forth the amendment.

(5) A certificate is amended or cancelled when there is filed in the office of the treasurer

(a) A writing in accordance with the provisions of paragraph (1) or (2), or

(b) A certified copy of the order of court in accordance with the provisions of paragraph (4).

(6) After the certificate is duly amended in accordance with this section, the amended certificate shall thereafter be for all purposes the certificate provided for by this Act.

[Sec. 6870.26.] **Section 26. Parties to actions.** A contributor, unless he is a general partner, is not a proper party to proceedings by or against a partnership, except where the object is to enforce a limited partner's right against or liability to the partnership.

[Sec. 6870.27.] Section 27. **Name of Act.** This Act may be cited as "the uniform limited partnership Act".

[Sec. 6870.28.] Section 28. **Rules of construction.** (1) The rule that statutes in derogation of the common law are to be strictly construed shall have no application to this Act.

(2) This Act shall be so interpreted and construed as to effect its general purpose to make uniform the law of those states and territories which enact it.

(3) This Act shall not be so construed as to impair the obligations of any contract existing when the Act goes into effect, nor to affect any action on proceedings begun or right accrued before this Act takes effect.

[Sec. 6870.29.] Section 29. **Rules for cases not provided for in this Act.** In any case not provided for in this Act the rules of law and equity, including the law merchant, shall govern.

[Sec. 6870.30.] Section 30. **Provisions for existing special partnerships.** (1) A special partnership formed under any statute of this Territory prior to the adoption of this Act may become a limited partnership under this Act by complying with the provisions of section 2; provided the certificate sets forth

(a) The amount of the original contribution of each limited partner, and the time when the contribution was made, and

(b) That the property of the partnership exceeds the amount sufficient to discharge its liabilities to persons not claiming as general or limited partners by an amount greater than the sum of the contributions of its limited partners.

(2) A special partnership formed under any statute of this Territory prior to the adoption of this Act, until or unless it becomes a limited partnership under this Act, shall continue to be governed by the provisions of chapter 225 of the Revised Laws of Hawaii 1935, as amended, as said provisions existed prior to the adoption of this Act, except that such partnership shall not be renewed unless so provided in the original agreement; provided, however, that no person who heretofore became a member of a partnership formed prior to the adoption of this Act, believing that he became a special partner therein, and who is designated as a special partner therein in the records in the office of the treasurer, shall be liable as a general partner therein by reason of any defect in the form or substance of the certificate of the partnership or by reason of failure to publish the certificate of the partnership or a statement of its substance as provided by law, except to a creditor of the partnership who shall affirmatively establish, in

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an action or proceeding commenced not later than six months from the effective date of this Act, that he became a creditor of the partnership in reliance upon the status of said person as a general partner therein.

Section 31. **Repeal.** Except as affecting existing special partnerships to the extent set forth in section 30 of this Act, sections 6870 to 6892, both inclusive, including any amendments thereto, of the Revised Laws of Hawaii 1935, are hereby repealed; provided, however, that such repeal shall not be deemed to affect the law of this Territory relating to general partnerships; and all other laws or parts of laws, inconsistent with the provisions of this Act, are superseded by this Act to the extent of such inconsistency.

Section 32. **Time of taking effect.** This Act shall take effect upon its approval.

(Approved May 12, 1943.) H.B. 292, Act 162.

CHAPTER 226. TRUST COMPANIES.

[D-143] An Act to Amend Section 6905 of the Revised Laws of Hawaii 1935, as Amended, by Amending Subsection 2 Thereof, Relating to the Furnishing of Accounts by Trust Companies to Principals.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Subsection 2 of section 6905 of the Revised Laws of Hawaii 1935, as amended by Act 169 of the Session Laws of Hawaii 1935 (Series D-139), is hereby further amended to read as follows:

"2. Accounts to principals. No trust company shall undertake or continue to act as agent for any principal under the powers given by this section unless its duties as such agent and the terms and conditions under which such agency is accepted or is being conducted shall have been set forth either specifically or generally in writing either in letters or memoranda received by the trust company from the principal or in letters or memoranda delivered by the trust company to the principal and evidenced by authenticated copies.

"Every trust company undertaking or continuing to act as agent for any principal under the powers given by this section shall deliver to each such principal (which term whenever used herein shall be construed to include any authorized representative of the principal) at stated intervals, not less fre-

quently than once a year, and at the termination of the agency, a written statement of account setting forth: (1) all receipts and disbursements since the inception of the agency or the last previous account rendered under this paragraph, as the case may be, with such detail of description as will identify all properties purchased or sold during the period; (2) the credit or debit balance, as the case may be, as of the final date of the accounting period; (3) a complete inventory of all properties, whether real, personal or mixed, title to or custody or safekeeping of which is then held by such trust company for the account of such principal. Said account shall contain such segregation of principal and income as the principal in writing shall specifically require.

"Thirty days after the delivery of the account to the principal in person and duly acknowledged by him in writing, or forty-five days after mailing the same by registered mail addressed to the principal at his last known address, provided receipt of such registered mail shall have been acknowledged by the principal, the trust company shall be free and clear of any claim by the principal arising out of any transaction covered by such account, except (1) in so far as the principal shall have presented to the trust company written objections to the account prior to the end of the period; and (2) that the account may later be opened up and corrected in case of fraud or mistake in the account. Said account may be so personally delivered or mailed in separate parts and instalments during or after the end of the accounting period and in such event only the last periodic instalment covering receipts and disbursements and the complete inventory, if mailed rather than delivered, need be sent by registered mail and the prior instalments and parts may be mailed by ordinary mail addressed to the principal at his last known address, and the periods of limitation herein prescribed shall begin to run upon the personal delivery or the mailing by registered mail as aforesaid, as the case may be, of said last periodic instalment and complete inventory or of the later of these two if they are delivered or mailed at different times, completing the setting forth of all that is required in said statement of account as aforesaid.

"The requirements of this subsection shall not apply to occasional or isolated acts performed under special instructions or at the special request of a principal who is not a general or regular client."

Section 2. This Act shall take effect upon its approval.

(Approved May 11, 1943.) **S.B. 223, Act 155.**

Title XXV. BUSINESS LAW AND REGULATIONS.

CHAPTER 245. WORKMEN'S COMPENSATION LAW.

[D-144] An Act Amending Chapter 245 of the Revised Laws of Hawaii 1935, as Amended by Act 56 (Series D-151) of the Session Laws of Hawaii 1935, and by Act 66 (Series D-154) of the Session Laws of Hawaii 1937, and by Acts 206 (Series D-170), 147 (Series D-171), 237 (Series D-183), and 238 (Series D-182) of the Session Laws of Hawaii 1939, and by Acts 253 (Series D-228) and 296 (Series D-243) of the Session Laws of Hawaii 1941, Relating to Workmen's Compensation.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. That chapter 245 of the Revised Laws of Hawaii 1935, as amended by Act 56 (Series D-151) of the Session Laws of Hawaii 1935, and by Act 66 (Series D-154) of the Session Laws of Hawaii 1937, and by Acts 206 (Series D-170), 147 (Series D-171), 237 (Series D-183), and 238 (Series D-182) of the Session Laws of Hawaii 1939, and by Acts 253 (Series D-228) and 296 (Series D-243) of the Session Laws of Hawaii 1941, is hereby further amended in the following respects:

1. By substituting for the words and figures "one hundred fifty dollars (\$150.00)" in the fifth and sixth lines of **section 7486** thereof the words and figures "two hundred dollars (\$200.00)", and by deleting the words "for the following periods" in the seventh line of said section;

2. By substituting for the word "sixty" in the third line of paragraph 2 of **section 7486** the words "sixty-six and two-thirds";

3. By substituting for the word "fifty" in the third line of paragraph 3 of **section 7486** the words "sixty-six and two-thirds";

4. By substituting for the word "sixteen" in the fourth and twelfth lines of **section 7487** the word "eighteen";

5. By amending section 7488 to read as follows:

"Sec. 7488. Periods of compensation. The compensation herein provided for shall be payable during the following periods:

"To a widow, until death or remarriage;

“To a widower, during disability or until remarriage;

“To or for a child, until eighteen years of age, but in the case of a child incapable of self-support and unmarried as long as so incapable, but in no case to exceed one hundred and four weeks beyond the age of eighteen years;

“To a parent or grandparent, during the continuation of a condition of actual dependency;

“To or for a grandchild, brother, or sister, during dependency as hereinbefore defined.

“Upon the cessation of compensation under this section to or on account of any person, the compensation of the remaining persons entitled to compensation for the unexpired part of the period during which their compensation is payable shall be that which the persons would have received if they had been the only persons entitled to compensation at the time of the decedent's death.” [L. 1915, c. 221, s. 9; R.L. 1935, s. 7488; am. L. 1943, c. 157, pt. of s. 1.]

(6) By amending the first paragraph of section 7490 to read as follows:

“Sec. 7490. Death benefits; average weekly wages; payments to whom, etc. In computing death benefits the average weekly wages of the deceased employee shall be considered not to be more than thirty-seven dollars and fifty cents, nor less than twelve dollars; but the total weekly compensation shall not exceed in any case the average weekly wages computed as provided in section 7495, nor shall the amount of compensation paid in any case exceed in the aggregate the sum of seventy-five hundred dollars.”

7. By amending the third paragraph of **section 7490** to read as follows:

“In case death occurs after a period of disability, either total or partial, the total compensation paid shall not exceed seventy-five hundred dollars.”

8. By substituting for the figure “60” in the third line of paragraph 1 of **section 7492** and in the fourth line of paragraph 2 of **section 7492** the figure “66 $\frac{2}{3}$ ”.

9. By substituting for the word “five” in the fifth line of paragraph 1 of **section 7492** and in the sixth and seventh lines of paragraph 2 of **section 7492** the word “eight”.

10. By amending the last paragraph in paragraph 1 of **section 7492**, consisting of four lines, to read as follows:

“The amount of compensation paid in any case shall not exceed in the aggregate the sum of seventy-five hundred dollars.”

11. By amending the last subparagraph in paragraph 2 of **section 7492**, consisting of four lines, to read as follows:

"In no case shall the weekly payments continue after the disability ends; nor shall the amount of compensation paid in any case exceed in the aggregate the sum of seventy-five hundred dollars."

12. By amending paragraph 1 of **section 7493** to read as follows:

"Sec. 7493. 1. Permanent partial disability. Where the injury causes a disability partial in character but permanent in duration, the employer shall pay the injured employee, regardless of his immediate subsequent ability for work, a weekly compensation equal to $66\frac{2}{3}$ per centum of his average weekly wages but not more than twenty-five dollars nor less than eight dollars a week, provided, in case of an employee whose average weekly wages are less than eight dollars a week, the weekly compensation shall be the full amount of the average weekly wages, for the period named in the schedule as follows:

"Thumb. For the loss of a thumb, fifty-one weeks;

"First finger. For the loss of a first finger, commonly called index finger, twenty-eight weeks;

"Second finger. For the loss of a second finger, eighteen weeks;

"Third finger. For the loss of a third finger, seventeen weeks;

"Fourth finger. For the loss of a fourth finger, commonly called the little finger, seven weeks;

"Phalanx of thumb or finger. The loss of the first phalanx of the thumb or finger shall be considered to be equal to the loss of one-half of the thumb or finger, and compensation shall be one-half of the amount above specified for loss of the thumb or finger. The loss of more than one phalanx of the thumb or of any finger shall be considered as the loss of the entire thumb or finger; provided, however, that in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand;

"Great toe. For the loss of a great toe, twenty-six weeks;

"Other toes. For the loss of one of the toes other than the great toe, eight weeks;

"Phalanx of toe. The loss of the first phalanx of any toe shall be considered to be equal to the loss of one-half of the toe; and the compensation shall be one-half of the amount specified for the loss of the toe. The loss of more than one phalanx of any toe shall be considered as the loss of the entire toe;

"Hand. For the loss of a hand, two hundred and twelve weeks;

"Arm. For the loss of an arm, two hundred and eighty weeks;

"Foot. For the loss of a foot, one hundred and seventy-three weeks;

"Leg. For the loss of a leg, two hundred and forty-eight weeks;

"Eye. For the loss of an eye, one hundred and forty weeks;

"Ear. For the permanent and complete loss of hearing in both ears, two hundred weeks. For the permanent and complete loss of hearing in one ear, fifty-two weeks. For the loss of both ears, eighty weeks. For the loss of one ear, forty weeks;

"Loss of use. Permanent loss of the use of hand, arm, foot, leg, eye, thumb, finger, toe or phalanx shall be considered as equivalent to and draw the same compensation as the loss of a hand, arm, foot, leg, eye, thumb, finger, toe or phalanx.

"In cases of permanent partial disability, due to injury to a member named in this schedule, resulting in less than total loss of the member or in less than total loss of use thereof, and where the disability is not otherwise compensated in this schedule, compensation shall be paid at the rate prescribed in this schedule for the total loss of or the total loss of use of the member, and for a period to be determined as follows: The percentage of permanent partial disability to total disability for the same member in the schedule shall be determined and the compensation hereinabove prescribed shall be paid for such portion of the period hereinabove prescribed for total loss or total loss of use of the member, as such percentage of disability bears to total disability of the member.

"In cases of permanent partial disability due to the same accidental injury to the thumb and one or more finger; or to two or more fingers of one hand; or to the great toe and one or more toes other than the great toe; or to two or more toes other than the great toe of the foot; the percentage of permanent partial disability to total disability for the hand or foot, as the case may be, shall be determined, and the compensation hereinbefore prescribed shall be paid for such portion of the period hereinbefore prescribed for total loss or total loss of use of the hand or foot, as such percentage of disability bears to total disability of the hand or foot.

"Amputation. Amputation between the elbow and the wrist shall be considered as the equivalent of the loss of a hand. Amputation between the knee and the ankle shall be considered as the equivalent of the loss of a foot. Amputation at or above the elbow shall be considered as the loss of an arm. Amputation at or above the knee shall be considered as the loss of a leg.

"The compensation for the foregoing specific injuries shall be in lieu of all other compensation, except the benefits provided in sections 7491 and 7492; provided, however, that payments of compensation under this section shall not commence until after the period of total or partial disability shall have terminated.

"In case of an injury resulting in serious facial or head disfigurement the director may, in his discretion, make such award or compensation as he may deem proper and equitable, in view of the nature of the disfigurement, but not to exceed thirty-five hundred dollars.

"Other cases. In all other cases in this class of disability the compensation shall be $66\frac{2}{3}$ per centum of the difference between his average weekly wages and his wage earning capacity thereafter in the same employment or otherwise, payable during the continuance of partial disability, but subject to reconsideration of the degree of the impairment by the director on his own motion or upon application of any party in interest.

"The total compensation under this section and the total compensation under **section 7492**, taken together, shall not exceed in the aggregate the sum of seventy-five hundred dollars."

13. By amending paragraph 2 of **section 7493** to read as follows:

"2. Temporary partial disability. Where the injury causes partial disability for work, the employer, during the disability and, except as hereinafter in this paragraph provided, for a period of two hundred and sixty weeks beginning with the first day of disability, shall pay the injured workman a weekly compensation equal to $66\frac{2}{3}$ per centum of the difference between his average weekly wages before the accident and the weekly wages he will most probably be able to earn thereafter, but not more than twenty-five dollars a week. In no case shall the weekly payments continue after the disability ends; and in case the partial disability begins after a period of total disability, the period of total disability shall be deducted from the total period of two hundred and sixty weeks; nor shall the amount of compensation paid in any case exceed in the aggregate the sum of seventy-five hundred dollars. But no adjudication of disability shall be made until after two weeks from the date of injury."

14. By substituting for the word "five" in the second line of **section 7494** the word "eight".

15. By substituting for the words and figures "one hundred dollars (\$100.00)" in the fourth and twelfth lines of **section 7528** the words and figures "twenty-five dollars (\$25.00)".

16. By substituting for the word "fifty" in the sixth line of paragraph 2 of **section 7540** the words "one hundred".

17. By substituting for the words "twenty-four hundred" in the seventh line of paragraph 5 of **section 7540** the words "forty-eight hundred".

Section 2. This Act shall take effect on July 1, 1943.

(Approved May 11, 1943.) **S.B. 109, Act 157.**

CHAPTER 245A. VOCATIONAL REHABILITATION.

[D-145] An Act to Amend Section 7542B of the Revised Laws of Hawaii 1935, as Enacted by Section 3 of Act 166 (Series D-152) of the Session Laws of Hawaii 1935, Relating to Authority to Formulate a Plan of Cooperation in Vocational Rehabilitation.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 7542B** of the Revised Laws of Hawaii 1935, as enacted by section 3 of Act 166 (Series D-152) of the Session Laws of Hawaii 1935, is hereby amended by substituting for the words "industrial accident board" in the third line thereof the words "director of labor and industrial relations".

Section 2. This Act shall take effect upon its approval.

(Approved May 17, 1943.) **H.B. 227, Act 226.**

CHAPTER 245B. VOLUNTEERS, WORKMEN'S COMPENSATION FOR.

[D-146] An Act Adding to Title XXV of the Revised Laws of Hawaii 1935, a New Chapter Providing for Compensation for Injury or Death Suffered by Members of Certain Voluntary Organizations.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. There is hereby added to title XXV of the Revised Laws of Hawaii 1935, a new chapter to be numbered chapter 245-B, reading as follows:

"Chapter 245-B.

[Sec. 7543.01.] "Sec. 1. [Compensation for volunteers.] If

a person duly enlisted in the Hawaii Territorial Guard or any voluntary organization within the Territory of Hawaii authorized by the Hawaiian Department, United States Army, under the Office of Civilian Components Affairs, including Business Men's Training Corps, Hawaii Defense Volunteers, Hawaii Rifles, Maui Volunteers, Lanai Volunteers, Molokai Volunteers, Hawaii Scouts, Kauai Volunteers, and other units similarly organized, shall suffer injury or death arising out of and in the performance of his duty within such volunteer organization, compensation shall be paid and medical services and supplies furnished by the Territory of Hawaii to such injured person or his dependents, as the case may be, in the manner and in the amounts provided in chapter 245 of the Revised Laws of Hawaii 1935, for payment of workmen's compensation, except as herein modified.

[Sec. 7543.02.] "Sec. 2. [Definitions.] As used herein 'dependents' shall mean persons meeting the tests of dependency set forth in said chapter 245; and where reference is made herein to said chapter 245, the words 'Territory of Hawaii' shall be substituted for the word 'employer', and 'injured person' for 'employee'.

[Sec. 7543.03.] "Sec. 3. [Computation of average weekly wage.] For the purposes of this chapter the average weekly wage of such injured person shall be deemed to be the amount of the base pay received by a member of like or similar rank in the Army of the United States, subject to the maximum and minimum limitations prescribed in said chapter 245.

[Sec. 7543.04.] "Sec. 4. [Administration and procedure.] This chapter shall be administered by the bureau of workmen's compensation of the department of labor and industrial relations in like manner as said chapter 245 is administered; provided, that such additional rules and regulations relative hereto may be promulgated by the commission of labor and industrial relations as shall be deemed necessary or convenient for carrying out the purposes of this chapter. Procedure in respect of claims hereunder, including procedure upon appeals, shall correspond to the procedure provided in said chapter 245, except that notice of injury shall be given to the commanding officer of the unit to which the injured person is attached and said commanding officer shall in turn report the same to said bureau."

Section 2 There is hereby appropriated from the general fund of the Territory of Hawaii for the purposes of this chapter the sum of fifty thousand dollars (\$50,000.00).

Section 3. If any section, sentence, clause or phrase of this Act, or its application to any person or circumstances, is for any reason held to be unconstitutional or invalid, the remaining portions of this Act, or the application of this Act

to other persons or circumstances, shall not be affected. The legislature hereby declares that it would have passed this Act and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, clauses or phrases be declared unconstitutional or invalid.

Section 4. This Act shall take effect upon its approval and shall cease to be in effect six months after the president of the United States shall have proclaimed the termination of the present war and the benefits thereof shall apply and be extended to cover any person who, on or after December 7, 1941, was a member of the Hawaii Territorial Guard or any other voluntary organization mentioned in section 1 hereof and suffered injury or death and who would have been covered by this Act if it had been in effect on or after December 7, 1941.

(Approved May 6, 1943.) **S.B. 169, Act 131.**

Title XXVI.

MISCELLANEOUS TERRITORIAL PROVISIONS.

CHAPTER 250. ELECTIONS: GENERAL.

REGISTRATION OF VOTERS.

[D-147] An Act to Amend Section 7646 of the Revised Laws of Hawaii 1935, Relating to the Official Register of Voters.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 7646** of the Revised Laws of Hawaii 1935, is hereby amended by deleting from the form therein prescribed for the official register of voters the word "nativity".

Section 2. This Act shall take effect upon its approval.

(Approved April 30, 1943.) **H.B. 163, Act 93.**

INSPECTORS OF ELECTION.

[D-148] An Act to Amend Section 7664 of the Revised Laws of Hawaii 1935, Relating to Inspectors of Election.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 7664 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

"Sec. 7664. Number, appointment, vacancies. There shall be three inspectors of election for each precinct. They shall be appointed by the Governor, as far as reasonably practicable, from the opposing parties, and shall be registered voters of the precinct in which they serve.

"In case of inability, failure or refusal of any person so appointed to act as such inspector, the Governor shall, so far as reasonably practicable, appoint a person to fill such vacancy from the same party that such person so failing to act belonged to; provided, however, that if it is impossible to communicate with the Governor in time for him to make such appointment before the election is held, the remaining inspector or inspectors shall appoint a person or persons to fill such vacancy; and provided, that no officer or employee of the Territory or any county, excepting employees who are on a part-time or per diem basis, shall be appointed to serve as an inspector of election. This proviso shall not apply to the County of Kalawao." [C.L., p. 809, s. 70; am. Org. Act, s. 64; am. L. 1925, c. 126, s. 1; am. L. 1929, c. 177, s. 7; am. L. 1931, c. 52, s. 1; R.L. 1935, s. 7664; am. L. 1943, c. 129, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 4, 1943.) **H.B. 320, Act 129.**

[D-149] An Act to Amend Section 7666 of the Revised Laws of Hawaii 1935, Relating to Clerks to Boards of Election Inspectors.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 7666** of the Revised Laws of Hawaii 1935 is hereby amended by deleting the fourth sentence thereof, and amending the third sentence to read as follows:

"Every clerk shall be a registered voter of the precinct in which he serves and shall be paid, out of such appropriations as may be made by the Legislature for election purposes, in the case of territorial elections, and out of such appropriations

as may be made by the board of supervisors, in the case of county elections, the sum of fifteen dollars for each election; provided that no officer or employee of the Territory or any county, excepting employees who are on a part time or per diem basis, shall be appointed to serve as a clerk in any precinct. This proviso shall not apply to the county of Kalawao."

Section 2. This Act shall take effect upon its approval.

(Approved May 4, 1943.) **H.B. 317, Act 128.**

BALLOTS.

[D-150] An Act to Amend Section 7677 of the Revised Laws of Hawaii 1935, Relating to Withdrawal of Candidates for Election.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 7677 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

"Sec. 7677. Withdrawal; notice. Any candidate may withdraw before an election, in the case of a candidate for delegate to Congress or the legislature, by giving notice in writing to the secretary of the Territory, and, in case of a candidate for a county office, by giving notice in writing to the county clerk of the county in which such candidate was seeking nomination or election. If a candidate shall withdraw after the printing of the ballots the secretary of the Territory, in case of a candidate for delegate to Congress or the legislature, and the county clerk concerned, in case of a county office, shall cause the name of the candidate so withdrawing and the name of any candidate who may have died, to be stricken from the ballots and, in that regard, may require the services of the inspectors of election and clerks of the precincts in which any such person was a candidate and shall notify in writing such inspectors of the withdrawal or death, whereupon such inspectors shall post before the opening of the polls on election day a notice at the polling place of such withdrawal or death." [C.L., p. 805, s. 57; am. Org. Act, s. 64; R.L. 1935, s. 7677; am. L. 1943, c. 199, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 14, 1943.) **H.B. 134, Act 199.**

[D-151] An Act to Amend Chapter 250 of the Revised Laws of Hawaii 1935, as Amended, by Adding Section 7677A Thereto Relating to the Insertion on Ballots of the Name of a Candidate Filling Any Vacancy Caused by the Death, Withdrawal or Disqualification of a Former Candidate and the Posting of Notices with Respect to Substitute Candidates.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 250 of the Revised Laws of Hawaii 1935, as amended, is hereby further amended by adding a new section thereto to be numbered and to read as follows:

"Sec. 7677A. New candidates, insertion of names on ballots and notice at polling places. The secretary of the Territory in the case of any candidate filling a vacancy caused by the death, withdrawal, or disqualification of a candidate for a delegate to Congress or the legislature, and the county clerk in the case of any candidate filling a vacancy caused by the death, withdrawal or disqualification of a candidate for a county office, shall cause the name of any substitute candidate to be placed upon the proper ballots by reprinting, overprinting or through the use of stamps or such other means as the secretary or county clerk, as the case may be, may deem satisfactory for the purpose and may require the services of the inspectors of election and clerks of the precincts in which such person is a candidate; and the said inspectors shall post a notice at the polling place of the name and office sought by any such substitute candidate."

Section 2. All other provisions of law with respect to ballots including, without prejudice to the generality of the foregoing, **section 7674** of the Revised Laws of Hawaii 1935, relating to the contents of ballots, and **section 7676** of said Revised Laws, relating to the arrangement of names, etc., on ballots, are hereby modified by the provisions of this Act.

Section 3. This Act shall take effect upon its approval.

(Approved May 13, 1943.) **H.B. 276, Act 192.**

COUNT.

[D-152] An Act to Amend Section 7704 of the Revised Laws of Hawaii 1935, Relating to Records of Elections.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 7704** of the Revised Laws of Hawaii

1935, is hereby amended by amending the second sentence of the second paragraph thereof to read as follows:

"Such packet shall not be opened or examined except in the presence of a justice of the supreme court and after such examination it shall be re-sealed in the presence of such justice; provided, however, that for the purpose of extracting any record which may have been erroneously placed in the packet by the inspectors of election, the packet may be opened and the record extracted, and the packet shall be immediately thereafter re-sealed, in the presence of either a justice of the supreme court or a judge of a circuit court."

Section 2. This Act shall take effect upon its approval.

(Approved May 4, 1943.) **H.B. 318, Act 117.**

[D-153] An Act to Amend Section 7704 of the Revised Laws of Hawaii 1935, Relating to the Disposition of Ballots and Other Election Records.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 7704** of the Revised Laws of Hawaii 1935, is hereby amended by amending the last paragraph thereof to read as follows:

"After July 1, of the year following any general election, the ballots may be destroyed by the secretary of the Territory and the other election records opened and filed in the office of the secretary of the Territory."

Section 2. This Act shall take effect upon its approval.

(Approved May 11, 1943.) **H.B. 44, Act 161.**

CHAPTER 254A. DEPARTMENT OF INSTITUTIONS.

[D-154] An Act to Amend Chapter 254-A of the Revised Laws of Hawaii 1935, as Enacted by Act 203 (Series D-175), Session Laws of Hawaii 1939, and as Amended by Act 5 (Series D-232), Session Laws of Hawaii 1941, by Adding Thereto a New Section, Relating to the Powers and Duties of the Director of Institutions, and to Amend Section 1031 of Said Revised Laws, as Amended by Said Act 5, Relating to Waimano Home.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 254-A of the Revised Laws of Hawaii

DEPARTMENT OF INSTITUTIONS.
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1935, as enacted by Act 203 (Series D-175), Session Laws of Hawaii 1939, and as amended by Act 5 (Series D-232), Session Laws of Hawaii 1941, is hereby amended by adding thereto a new section to be numbered Sec. 7772.6 and to read as follows:

"Sec. 7772.6. Farm colony plan for institutions; improvements, repairs, etc. The institutions and establishments under the administration and control of the director shall, as far as practicable, be conducted upon the 'farm colony plan'. The director, as provided from time to time by law, shall have power to erect suitable cottages or dormitories, dining halls and kitchens, school rooms, work shops, barns, outhouses and such other buildings as shall be found necessary or advisable, and to make such alterations, repairs, renovations, reconstruction and other improvements as may be necessary or advisable, and within the scope of available appropriations therefor."

Section 2. Section 1031 of said Revised Laws, as finally amended in toto by Act 5 (Series D-232), Session Laws of Hawaii 1941, is hereby amended to read as follows:

"Sec. 1031. Home conducted by director of institutions. The home for the feeble-minded shall be under the administration and control of the director of institutions, hereinafter in this chapter designated as the 'director', as provided in chapter 254-A." [L. 1919, c. 102, s. 2; R.L. 1935, s. 1031; am. L. 1939, c. 203, pt. of s. 3-a; am. L. 1941, c. 5, pt. of s. 4; am. L. 1943, c. 125, s. 2.]

Section 3. This Act shall take effect upon its approval.

(Approved May 4, 1943.) **H.B. 202, Act 125.**

CHAPTER 259.

PENSIONS.

PART 3.

PENSIONS FOR POLICEMEN, FIREMEN AND BANDSMEN.

[D-155] An Act to Repeal Subsection 6 of Section 7905 of the Revised Laws of Hawaii 1935, as Enacted by Act 86 of the Session Laws of Hawaii 1939, Relating to Pensions for Policemen, Firemen and Bandsmen.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Subsection 6 of section 7905 of the Revised

Laws of Hawaii 1935, as enacted by Act 86 of the Session Laws of Hawaii 1939, is hereby repealed.

Section 2. This Act shall take effect upon its approval.

(Approved March 9, 1943.) **S.B. 7, Act 7.**

[D-156] An Act to Amend Section 7905 of the Revised Laws of Hawaii 1935, Relating to Investment of Funds and Beneficiaries of the Policemen, Firemen and Bandsmen's Pension Fund by Deleting Therefrom Paragraph 7.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 7905** of the Revised Laws of Hawaii 1935, as amended, is hereby further amended by deleting therefrom paragraph numbered 7, as enacted by Act 188 (Series D-236) of the Session Laws of Hawaii 1941.

Section 2. This Act shall take effect upon its approval.

(Approved May 14, 1943.) **H.B. 142, Act 196.**

PART 4. RESTRICTIONS AND REGULATIONS.

[D-157] An Act to Amend Section 7915, Revised Laws of Hawaii 1935, Relating to Restrictions and Regulations on Pensions.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 7915**, Revised Laws of Hawaii 1935, is hereby amended in the following respects:

Paragraph "3" of said section 7915 is hereby amended by deleting said paragraph which reads as follows:

"If any recipient or beneficiary shall receive, from any office or employment other than offices or employments mentioned in subsection 1 of this section, a wage or salary which, if added to the pension, shall exceed the average monthly wage or salary paid him during the last five years of his employment, immediately prior to the granting of the pension, then the pension shall be reduced to the extent of the excess."

By substituting in the next paragraph the figure "3" for the figure "4", and, in the next paragraph, substituting the figure "4" for the figure "5".

Section 2. This Act shall take effect on approval.

(Approved April 20, 1943.) **H.B. 6, Act 44.**

[D-158] An Act Providing a \$30.00 Minimum for Pensions Payable Under Territorial Laws by Counties, Boards and Commissions.

Be It Enacted by the Legislature of the Territory of Hawaii:

[Sec. 7915A.] Section 1. [Minimum monthly payment.] Every pension of less than \$30.00 per month payable under or pursuant to any law of the Territory by any county or independent public board or commission, other than benefits payable to members of the employees' retirement system or to the dependents or beneficiaries of such members under chapter 260 of the Revised Laws of Hawaii 1935, shall be increased to said amount of \$30.00 per month, any provision in any other law to the contrary notwithstanding; provided that where the dependents of a deceased pensioner are receiving pensions by reason of his death, the total only of all amounts paid to such dependents shall be so increased.

Section 2. The board of supervisors of each county, and each independent board or commission hereby affected, is hereby authorized and directed to appropriate such funds as are necessary to pay the increases hereby allowed of pensions payable by their respective counties, boards and commissions.

Section 3. This Act shall take effect upon the first day of the month following the month in which it is approved.

(Approved May 10, 1943.) S.B. 108, Act 143.

[D-159] An Act Relating to County Pension Systems.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. The pension board for the county of Maui and the county of Hawaii shall consist of the chairman of the board of supervisors, the county auditor, and the county treasurer.

Section 2. As to said counties of Maui and Hawaii, the provisions of the second and third paragraphs of section 1 of Act 237 of the Session Laws of Hawaii 1937, as amended, shall not apply, but the provisions of section 1 of this Act shall be substituted therefor.

Section 3. This Act shall take effect upon its approval.

(Approved May 4, 1943.) S.B. 187, Act 116.

**CHAPTER 259A. DEPARTMENT OF
PUBLIC WELFARE.**

[Sec. 11, added by Act 101, supra, page 98.]

**CHAPTER 259A1. DEPARTMENT OF
PUBLIC WELFARE;
SPECIFIC FUNCTIONS.**

[D-160] An Act to Amend Chapter 259-A-1 of the Revised Laws of Hawaii 1935, as Enacted by Act 238 of the Session Laws of Hawaii 1939, as Amended, Relating to the Department of Public Welfare.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 259-A-1 of the Revised Laws of Hawaii 1935, as enacted by Act 238 of the Session Laws of Hawaii 1939, as amended, is hereby further amended in the following particulars:

(a) By amending section 3 thereof in the following particulars:

(1) By amending paragraph (2) of said section to read as follows:

“(2) Place, or coordinate in the placing of, dependent children in suitable institutions or private homes, as provided by this chapter, and accept from the police and other agencies, for temporary care and custody, any dependent child until suitable investigation and satisfactory placement can be made.”

(2) By inserting a new paragraph therein to be numbered (3) and to read as follows:

“(3) The department is authorized to establish, maintain and operate receiving homes for the temporary care and custody of dependent children until suitable disposition of them can be effected.”

(3) By renumbering paragraphs (3) to (9) inclusive, (4) to (10) inclusive.

(b) By amending paragraph (5) of section 23 thereof to read as follows:

“(5) Has resided in the Territory for one year immediately preceding application for assistance, or was born within one year immediately preceding application of a mother who resided within the Territory for one year immediately preceding such birth; provided, however, that the department may

give temporary assistance to a dependent child irrespective of length of residence until suitable investigation and satisfactory placement can be made."

Section 2. This Act shall take effect upon its approval.

(Approved May 15, 1943.) **S.B. 129, Act 213.**

[D-161] An Act to Amend Chapter 259-A-1 of the Revised Laws of Hawaii 1935, as Amended, Relating to the Department of Public Welfare, So as to Extend the Benefits of Said Chapter to the Furnishing of Medical Care, Hospitalization, Dental Care and Burial of Dead in Certain Cases.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 259-A-1 of the Revised Laws of Hawaii 1935, as amended in toto by Act 296 (Series D-243) of the Session Laws of Hawaii 1941, is hereby further amended by adding thereto a new section numbered section 3-A, to read as follows:

"Sec. 3-A. **Medical and dental care; hospitalization; burial of indigent dead.** The department is authorized to furnish or pay the cost of medical care (which term, as used in this section, shall include, in addition to all other kinds of medical care, surgical care, maternity care and eye care, including optical appliances, as well as materials, supplies and other appliances used in the care, treatment and rehabilitation of patients), hospitalization, and dental care (including supplies, materials and appliances) to such needy persons, including the aged, blind, dependent children, and any others, who for any reason satisfactory to the department are unable to procure or provide sufficient medical care, hospitalization or dental care for themselves. The department is also authorized to bear the cost of the burial of indigent persons up to, but not exceeding the sum of fifty dollars (\$50.00). Any moneys expended under this section shall be deemed to be in addition to and not in lieu of any moneys now or hereafter appropriated or made available by or under any other provision of law, federal or territorial, for any of the same or similar purposes."

Section 2. Expenditures for the purposes of this Act shall be deemed to be expenditures for the purposes set forth in said chapter 259-A-1 within the meaning of section 17 of chapter 69-A of the Revised Laws of Hawaii 1935, as enacted

by Act 213 (Series A-73) of the Session Laws of Hawaii 1941, so as to authorize expenditures from the public welfare fund for said purposes.

Section 3. This Act shall take effect on July 1, 1943.

(Approved April 19, 1943.) **S.B. 159, Act 36.**

[D-162] An Act to Amend Section 10 of Chapter 259A-1 of the Revised Laws of Hawaii 1935, as Amended in Toto by Act 296 (Series D-243) of the Session Laws of Hawaii 1941, Relating to the Department of Public Welfare and the Protection of Records Thereof.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 10 of Chapter 259A-1 of the Revised Laws of Hawaii 1935, as amended in toto by Act 296 (Series D-243) of the Session Laws of Hawaii 1941, is hereby further amended by amending the first paragraph thereof to read as follows:

"Sec. 10. Protection of records. It shall be the duty of the department and its agents to keep such case records as may be necessary or proper in accordance with the provisions of this chapter. All applications and records concerning any applicant or recipient shall be confidential and shall be open to inspection only (a) by persons duly authorized by the Territory or the United States in connection with their official duties, when such official duties are directly connected with the administration of old age assistance, aid to dependent children, aid to the blind or other forms of public assistance, of the class to which such applications or records relate, or (b) by employees, acting within the scope and course of their employment, of such recognized social welfare organizations as may be approved by the department, and there is hereby conferred upon the department and its agents the authority and duty to determine whether or not such inspection is in connection with such official duties or within the scope and course of such employment. The department shall promulgate and enforce such rules as may be necessary to prevent improper acquisition or use of such confidential information. Any information secured pursuant to this section by such officials or employees may be used in connection with their official duties or within the scope and course of their employment but not otherwise, and shall be kept in confidential records or files, which shall not be subject to any other law permitting inspection of public records. The use of the records, papers, files and other com-

munications of the department or its agents by any other agency or department of government to which they may be furnished shall be limited to the purposes for which they are furnished."

Section 2. This Act shall take effect upon its approval.

(Approved May 3, 1943.) **H.B. 118, Act 113.**

CHAPTER 259BB. LABOR: APPRENTICE.

[D-163] An Act to Amend Act 23 (Series D-56) of the Special Session Laws of Hawaii 1941, Relating to Apprenticeship.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Act 23 (Series D-56) of the Special Session Laws of Hawaii 1941 is hereby amended by amending the last sentence in [Sec. 7919B.01] section 1 thereof to read as follows:

"Annually on or before August 1 the Apprenticeship Council shall make a report to the Director of Labor and Industrial Relations of its activities and findings."

Section 2. Act 23 (Series D-56) of the Special Session Laws of Hawaii 1941 is hereby further amended by amending section 4 thereof to read as follows:

[Sec. 7919B.04.] "Section 4. **Definition of 'apprentice'; Standards of Apprenticeship Agreements; Prior Training or Experience.**

"(a) The term 'apprentice' as used in this Act shall mean a person at least 16 years of age who is a party to an apprenticeship agreement duly registered with the Apprenticeship Council of the Territory of Hawaii in accordance with the provisions of this Act, providing for not less than 4,000 hours of reasonably continuous employment, for such person's participation in an approved schedule of work experience through employment, supplemented by not less than 144 hours per year of related class instruction.

"(b) Standards for apprenticeship agreements are as follows:

"(1) A statement of the trade or craft to be taught and the required hours for completion of apprenticeship which shall be not less than 4,000 hours of reasonably continuous employment.

"(2) A statement of the processes in the trade or craft divi-

sions in which the apprentice is to be taught and the approximate amount of time to be spent at each process.

“(3) A statement of the number of hours to be spent by the apprentice in work and the number of hours to be spent in related and supplemental instruction, which instruction shall be not less than 144 hours per year.

“(4) A statement that apprentices shall be not less than 16 years of age.

“(5) A statement of the progressively increasing scale of wages to be paid the apprentice.

“(6) Provision for a period of probation during which the Apprenticeship Council, or the Director of Apprenticeship when authorized by the Council, shall be directed to terminate an apprenticeship agreement at the request in writing of any party thereto.

“(7) Provision that after the probationary period the Apprenticeship Council, or the Director of Apprenticeship, when authorized by the Council, shall be empowered to terminate an apprenticeship agreement upon agreement of the parties thereto.

“(8) Provision that the services of the Director and the Apprenticeship Council may be utilized for consultation regarding the settlement of differences arising out of the apprenticeship agreement, where such differences cannot be adjusted locally or in accordance with the established trade procedure.

“(9) Provision to specify the ratio of apprentice to journeyman.

“(10) Provision that if an employer is unable to fulfill his obligation under the apprenticeship agreement, he may transfer such obligation to another employer.

“(11) Such additional standards as may be prescribed in accordance with the provisions of this Act.

“(c) An apprentice who, prior to entering into an apprenticeship agreement, has had training or experience or both in the trade or craft in which he is employed as an apprentice may be granted full or partial credit for such training or experience upon the successful completion of the probationary period, on recommendation of the employer or the joint apprenticeship committee with the approval of the Territorial Apprenticeship Council.” [Sp. L. 1941, c. 23, s. 4; am. L. 1943, c. 158, s. 2.]

Section 3. This Act shall take effect upon its approval.

(Approved May 11, 1943.) **S.B. 117, Act 158.**

CHAPTER 259C-1. LABOR: WAGES AND HOURS OF LABOR.

[D-164] An Act to Amend Chapter 259-C of the Revised Laws of Hawaii 1935, as Enacted by Act 66 (Series D-57) of the Special Session Laws of Hawaii 1941, Relating to Wages and Hours of Labor.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 259-C of the Revised Laws of Hawaii 1935, as enacted by Act 66 (Series D-57) of the Special Session Laws of Hawaii 1941, is hereby amended by changing the period at the end of paragraph (e) of [Sec. 7919-EB] section 2 to a comma, and by adding after said comma the following:

“and (10) shall not include members of any religious order or any individual donating his services to any hospital, religious, fraternal or charitable organization.”

Section 2. Said chapter 259-C is hereby further amended by amending section 3 thereof to read as follows:

[Sec. 7919-EC.] “Sec. 3. Minimum wages.

“Every employer, except as the director may provide pursuant to section 6 of this chapter, shall pay to each employee employed by him wages at the rate of not less than thirty cents (30¢) an hour in the city and county of Honolulu, and not less than twenty-five cents (25¢) an hour in each of the counties of Hawaii, Maui and Kauai.” [Sp. L. 1941, c. 66, pt. of s. 1; am. L. 1943, c. 159, s. 2.]

Section 3. Said chapter 259-C is hereby further amended by amending paragraph (d) of [Sec. 7919-EE] section 5 thereof to read as follows:

“(d) Any information secured from inspection of the records (or from transcriptions or from the taking of transcriptions thereof) or from inspection of the employer's premises by the director or his authorized representative may be used in connection with their official duties or within the scope and course of their employment but not otherwise, and shall not be divulged to others than officials concerned with, and solely for the purposes of, the administration of the laws of the Territory relating to matters under the jurisdiction of the commission, except in a proceeding in court provided by this chapter.”

Section 4. Said chapter 259-C is hereby further amended by adding to [Sec. 7919-EJ] section 10 thereof the following new paragraph:

“(d) Whenever in the course of an inspection made for the

purposes of this chapter it is determined that there has been an illegal deduction of wages under sections 7470 and 7471 of chapter 244 of the Revised Laws of Hawaii 1935, the director or his authorized representative is hereby empowered to secure restitution of such deductions. If such restitution be made, no prosecution under said chapter 244 shall be instituted or maintained."

Section 5. This Act shall take effect upon its approval, except section 2 which shall take effect July 1, 1943.

(Approved May 11, 1943.) **S.B. 118, Act 159.**

CHAPTER 260. RETIREMENT SYSTEM.

[D-165] An Act to Define the Privileges and Benefits of Members of the Employees' Retirement System of the Territory of Hawaii While in the Armed Forces and Certain Essential War Services and for a Limited Time Thereafter.

Be It Enacted by the Legislature of the Territory of Hawaii:

[Sec. 7920A.] Section 1. [Definitions.] As used in this Act:

(a) "System" means the employees' retirement system of the Territory of Hawaii.

(b) "Servicemen's Act" means and includes Act 72, Series D-59, of the Special Session Laws of Hawaii 1941, as the same now exists or as it may be amended from time to time, and any other Act of the legislature of this Territory extending benefits similar to those of said Act to other classes of persons in essential war services.

(c) "Service member" means a member of the system who is entitled to the benefits provided by the servicemen's Act.

(d) "Service in the armed forces" means active service, (1) in "military service" as defined in the servicemen's Act, or (2) in any other essential war service covered by any Act mentioned in subsection (b) of this section other than said Act 72.

[Sec. 7920B.] Section 2. [Benefits to service members.] All service members shall by reason of their retention of membership in said system under the servicemen's Act, have the status, and be entitled to the benefits, set forth in this Act.

[Sec. 7920C.] Section 3. [Benefits allowed; conditions and limitations.] A service member shall be entitled to the following benefits and shall be subject to the following conditions and limitations:

1. Service retirement benefit. If such service member shall have

terminated his service with the armed forces and shall otherwise comply with the requirements of subsection 1 of section 7925 of the Revised Laws of Hawaii 1935, he shall be entitled to a service retirement benefit, to be computed in the manner provided in subsection 2 of said section 7925, including and taking into consideration the service credit preserved and allowed to him by the servicemen's Act.

2. Ordinary disability retirement benefit. If such service member shall terminate his service in the armed forces and shall comply with and fulfill the requirements of subsection 3 of said section 7925, including and taking into consideration the service credit preserved and allowed to him under said servicemen's Act, he shall be entitled to the ordinary disability retirement benefit prescribed in said subsection 3, computed as provided in subsection 4 of said section 7925, including and taking into consideration the service credit preserved and allowed to him under said servicemen's Act.

3. Accidental disability benefit. Any such service member who has been incapacitated for duty by accident, act of war, or otherwise, occurring while he is not in the service of the Territory or any county, shall not by reason of such incapacity be entitled to the accidental disability benefit provided for by subsections 5 and 6 of said section 7925, but in such event, if he can qualify for an ordinary disability retirement benefit as hereinabove provided, he shall receive such ordinary disability retirement benefit.

4. Ordinary death benefit. In the case of the death of any service member, the ordinary death benefit provided by subsection 8 of said section 7925 shall be paid to his estate or his designated beneficiary.

5. Accidental death benefit. The estate or designated beneficiary of a service member who shall die by accident, act of war, or other cause, occurring while he is not in the service of the Territory or any county, shall not be entitled to the accidental death benefit provided by subsection 9 of said section 7925; provided, however, that the estate or said beneficiary shall be entitled to the ordinary death benefit as hereinabove provided.

6. Return of contributions. Any service member shall have the privilege of resigning from the system at any time, if he so chooses, and in the event of such resignation, he shall be entitled to the return of his accumulated contributions in the manner provided in subsection 10 of said section 7925, including any amounts to his credit in the annuity savings fund which shall have been contributed by the Territory or any county under said servicemen's Act, but he shall cease to be entitled to any of the benefits of said servicemen's Act or of

this Act, except such return of accumulated contributions, upon the effective date of such resignation.

7. A service member shall continue to be entitled to the benefits of the servicemen's Act until the expiration of 40 days after the termination of his service in the armed forces, unless he shall, within said 40-day period, have reentered the service of the Territory or any county, in a position which constitutes him an "employee" as defined by section 7920 of said Revised Laws, in which latter event his status thenceforth shall be the same as that of any other regular member of the system in such service, without any loss of the service credit preserved and allowed to him under the servicemen's Act, or unless he shall have resigned before the expiration of said 40-day period and waived his right to such re-employment. In the event he fails to re-enter the service of the Territory or any county within said 40-day period, and shall not have resigned from said system and waived his right to re-employment, his status thereafter shall be the same as that of a regular member who terminated his employment as such an "employee", and such termination shall be deemed to have occurred on the 40th day after the termination of his service in the armed forces.

8. In any case where it shall become necessary, for the purposes of this Act, to determine the compensation or average compensation earned or earnable by a member of the system during any period of his service in the armed forces, or during any period (not exceeding 40 days) immediately thereafter while he was not an "employee" as defined in said section 7920, his rate of compensation earned or earnable during any such period shall, for the purposes of this Act, be deemed to have been that which he was receiving as such "employee" immediately prior to the inception of his service in the armed forces, without any of the additional increments for length of service provided for by any classification or other Act of the Territory.

Section 4. The provisions of this Act shall not be deemed to constitute a contract with any service member, and the legislature reserves the right to amend or repeal this Act at any time as to any benefits or allowances not accrued prior to the time of such amendment or repeal.

Section 5. This Act shall take effect upon its approval and shall apply retroactively, as well as prospectively, to all persons entitled to the benefits of the servicemen's Act.

(Approved May 17, 1943.) **S.B. 192, Act 215.**

MINIMUM ALLOWANCES.

[D-166] An Act Providing for Minimum Service Retirement Allowances to Certain Retired Employees of the Several Counties and of the Territory.

Be It Enacted by the Legislature of the Territory of Hawaii:

[Sec. 7937A.] Section 1. [Minimum retirement allowance.] Each of the retired employees of the several counties and of the Territory who shall have been in the service and employ of any of said counties or of the Territory for a total period of not less than ten years, who is a member of the employees' retirement system, and who is receiving a service retirement allowance of less than thirty dollars (\$30.00) per month, shall be paid from the fund hereinafter created, an amount which, together with such service retirement allowance, shall equal the sum of thirty dollars (\$30.00) per month.

[Sec. 7937B.] Section 2. [Duties of board of trustees.] The board of trustees of the employees' retirement system of the Territory shall certify to the boards of supervisors of the several counties, prior to June 30, 1943, and from time to time thereafter as changes may occur, a list of members of said system who are retired employees of said respective counties who shall have been in the service and employ of such respective counties for a total period of not less than ten years and who receive a service retirement allowance of less than thirty dollars (\$30.00) per month together with the amount of service retirement allowance which such employees do receive, and a total of the monthly additional sums necessary to make to such employees payments of thirty dollars (\$30.00) per month. Payments from such fund shall be made by the treasurer only upon vouchers signed by the chairman of the board of trustees of the employees' retirement system of the Territory and countersigned by such other person as may be designated by such board.

[Sec. 7937C.] Section 3. [Minimum pension fund.] A separate fund, known as the "minimum pension fund" is hereby established from which the payments provided in section 1 of this Act shall be made. The sum of thirteen thousand dollars (\$13,000.00) is hereby appropriated from the general revenues of the Territory not otherwise appropriated and shall upon the effective date of this Act be covered into said fund.

[Sec. 7937D.] Section 4. [Counties' contribution to pension fund.] The boards of supervisors of the several counties upon certification to them by the board of trustees of the employees' retirement system of the Territory of the amounts

necessary to meet the payments to their employees provided under this Act shall forthwith remit the amount thereof to the territorial treasurer who shall cover said amounts as received into the "minimum pension fund" created by section 3 of this Act. The initial remittance shall be made by each of said boards of supervisors on or before the thirtieth day of June, 1943, and shall be sufficient for six months' payments to the employees certified to them; thereafter remittances shall be made not later than December 30th of each year and shall be sufficient for twelve months' payments to the employees certified to them. Remittances for any certified additions to lists shall be made forthwith, upon receipt of such certified additions and shall be sufficient for the remainder of the period for which remittances have already been made by said board for the list of employees to which such additions are certified.

Section 5. This Act shall take effect upon its approval with the exception of sections 1 and 3 which shall take effect on July 1, 1943.

(Approved May 6, 1943.) **S.B. 16, Act 130.**

CHAPTER 260A. UNEMPLOYMENT COMPENSATION LAW.

[D-167] An Act Amending Act 243 (Series D-167) of the Session Laws of Hawaii 1937, as Amended by Acts 213 (Series A-34), 219 (Series D-185), and 237 (Series D-183) of the Session Laws of Hawaii 1939, and by Act 304 (Series D-250) of the Session Laws of Hawaii 1941, Relating to Unemployment Compensation.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Act 243 (Series D-167) of the Session Laws of Hawaii 1937, as amended by Acts 213 (Series A-34), 219 (Series D-185), and 237 (Series D-183) of the Session Laws of Hawaii 1939, and by Act 304 (Series D-250) of the Session Laws of Hawaii 1941 is hereby further amended in the following respects:

1. By repealing paragraph (2) of **Section 2 (i)**.

2. By amending **section 2 (j)** thereof to read as follows:

"(j) 'Employer' means:

"(1) Any employing unit which for some portion of a day within the current calendar year has or had in employment one or more individuals; and

"(2) For the effective period of its election pursuant to section 8, any other employing unit which has elected to become subject to this Act."

3. By inserting in paragraph (2) of **section 3 (f)** the words "or Hawaii territorial guard" after "United States" wherever that term appears in said paragraph.

4. By substituting for the figures "1943" in the last line of paragraph (3) of **section 3 (f)** the figures "1945".

5. By amending **section 4 (c)** to read as follows:

"(c) He is able to work and is available for work;

"Provided, however, that any claimant who, because of marital obligations or approaching marriage, has voluntarily left work for an indefinite period, to engage in the occupation of a homemaker, shall be considered unavailable for work until availability for work is shown by some evidence in addition to registration for work and statement of availability, such as (but not limited to) the fact that the conditions which led to leaving work have terminated; or arrangements have been made for the care of the household by others; or conditions require claimant's contribution to the economic support of the household; or the claimant has had some work or made efforts to secure work.

"Provided further, however, that a woman shall be considered unable to work for the period within two months before the anticipated date of childbirth and two months after childbirth unless it is shown by facts such as a doctor's certificate or by her work record during previous periods of pregnancy that she is able to work during such periods."

6. By amending **section 6 (c) (2)** to read as follows:

"(2) **Reconsideration of determinations.** (A) In the absence of appeal and within ten days after mailing or delivery of notice of the original determination made pursuant to paragraph (1) of this subsection, to the parties entitled thereto, the board may, for good cause, on its own motion or upon application of any such party, reconsider such determination. Upon an application for reconsideration, the board shall promptly reconsider the determination or, on its own motion, transfer the application to the referee. Such transfer shall likewise be effected upon request of the party applying for reconsideration provided such request is made before said party's receipt of notice of the reconsidered determination. Upon transfer such application shall be deemed to constitute an appeal, as of the date of the application, from the original determination.

"(B) The board may reconsider a determination whenever

it finds that an error in computation or identity has occurred in connection therewith, or that wages of the claimant pertinent to such determination but not considered in connection therewith, have been newly discovered, or that benefits have been allowed or denied or the amount of benefits fixed on the basis of misrepresentations of fact, but no such redetermination shall be made after one year from the date of the original determination. Notice of any such redetermination shall be promptly given to the parties entitled to notice of the original determination in the manner prescribed in this section with respect to notice of an original determination. If the amount of benefits is increased upon such redetermination an appeal therefrom solely with respect to the matters involved in such increase may be filed in the manner and subject to the limitations provided in subsection (d) of this section. If the amount of benefits is decreased upon such redetermination, the matters involved in such decrease shall be subject to review in connection with an appeal by claimant from any determination upon a subsequent claim for benefits which may be affected in amount or duration by such redetermination. Subject to the same limitations and for the same reasons, the board may reconsider the determination in any case in which the final decision has been rendered by the referee, and may apply to the referee to issue a revised decision."

7. By deleting from subparagraph (F) of section 7 (c) (3) the first sentence thereof and inserting in lieu of the same the following:

"(F) For the purpose of this subsection, if on or after January 1, 1940 any employing unit in any manner succeeds to or acquires the organization, trade or business, or substantially all the assets thereof, (whether or not such successor or acquiring unit was an 'employing unit', as that term is defined in section 2 (i) of this Act prior to such acquisition), of another which at the time of such acquisition was an employer subject to this Act, and such predecessor employer has executed and filed with the board on a form approved by the board a waiver relinquishing all rights to his prior experience record with respect to his separate account, actual contribution payment and benefit chargeability experience, annual payrolls and other data for the purpose of obtaining a reduced rate, and requesting the board to permit such experience record to inure to the benefit of the successor employing unit upon request of such successor employing unit, such experience record for rate computation purposes of the predecessor shall thereupon be deemed the experience record of the successor and such experience record shall be transferred by the board to such suc-

cessor employing unit and shall become the separate account of such employing unit as of the date of such acquisition and benefits thereafter chargeable to such employer on account of employment prior to the date of such acquisition shall be charged to such separate account. Such successor employing unit, unless already an employer subject to this Act, shall be subject from the date of acquisition to the rate of contribution of the predecessor or of two or more predecessors if they have the same contribution rate, provided the waiver or waivers required herein shall be filed with the board before thirty days after the date of acquisition. In case there are two or more predecessors having different contribution rates, the successor shall be subject to a contribution rate of 2.7 per centum until the next determination of rates under this subsection, at which time the experience records of the predecessors and successor shall be combined and shall be deemed to be the experience record of a single employing unit and such successor's rate shall thereupon be determined upon the basis of such combined experience. But if such successor at the time of such transfer is an employer subject to this Act, the rate of contribution to which he is then subject shall remain the same until the next determination of rates under this subsection, at which time the experience records of the predecessor and successor shall be combined and shall be deemed to be the experience record of a single employing unit and such successor's rate shall thereupon be determined upon the basis of such combined experience. However, for all transfers occurring prior to June 1, 1943 there shall be a redetermination of rates under this subsection for the year 1943 based upon the experience record of the predecessor or the combined experience records of the predecessor and successor, provided waivers as required herein shall be filed with the board not later than June 30, 1943. For the year 1944 and each year thereafter, for the purpose of determination of rates under this subsection of all successor employing units, waivers as required herein, if not previously filed as hereinabove provided, shall be filed with the board not later than the fifth day of February of the year for which the rate is determined."

8. By repealing subsections (a) and (b) and paragraph (1) of subsection (c) of **section 8** and designating paragraph (2) of subsection (c) of said section as section 8.

9. By adding to **section 10** after subsection (k) the following subsection (1):

"(1) **Preservation and destruction of records.** (1) The board may cause to be made such summaries, compilations, photographs, duplications, or reproductions of any records,

reports, or transcripts thereof as it may deem advisable for the effective and economical preservation of the information contained therein, and such summaries, compilations, photographs, duplications or reproductions, duly authenticated, shall be admissible in any proceeding under this Act if the original record or records would have been admissible therein.

“(2) The board may provide by regulation for the destruction or disposition, after reasonable periods, of any records, reports, transcripts or reproductions thereof, or other papers in its custody, the preservation of which is no longer necessary for the establishment of contribution liability or benefit rights or for any purpose necessary to the proper administration of this Act, including any required audit thereof.”

Section 2. No employer shall be entitled to any refund of or for any contributions paid prior to the effective date of this Act, on account of the fact that his contributions paid prior to the effective date for any period in 1943 were in excess of his contributions due for such period in accordance with the provisions of the Hawaii Unemployment Compensation Law as hereby amended. In case by reason of a change of contribution rate effective January 1, 1943 contributions payable by an employer are less under the provisions of section 7 (c) (3) (F) of the Hawaii Unemployment Compensation Law as hereby amended than they were under the provisions of said law prior to such amendment, then if and to the extent that such employer has paid the excess prior to the effective date he shall not be entitled to any refund thereof but shall be entitled to adjustments therefor, without interest, solely in connection with contributions made by him subsequent to the effective date and if and to the extent that such employer has not paid the excess prior to the effective date he shall not be required to do so or to pay any interest or penalty with respect thereto.

Section 3. This Act shall take effect upon its approval.

(Approved May 11, 1943.) **S.B. 119, Act 160.**

CHAPTER 262A. HAWAII HOUSING AUTHORITY.

NATIONAL DEFENSE PROJECTS.

[D-168] An Act to Amend Sections 2 and 8 of Act 235 (Series D-253) of the Session Laws of Hawaii 1941 to Extend the Time in Which the Development of Projects May be Initiated Thereunder.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. The first paragraph of section 2 of Act 235 of the Session Laws of Hawaii 1941 is hereby amended to read as follows:

[Sec. 7978AE.] "Section 2. [Powers relating to national defense housing.] The Hawaii housing authority may undertake the development and administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities whom the housing authority determines would not otherwise be able to secure safe and sanitary dwellings within the vicinity thereof, but the housing authority shall not initiate the development of any such project pursuant to this Act after the termination of the present war."

Section 2. Subsection (f) of [Sec. 7978AK] section 8 of Act 235 of the Session Laws of Hawaii 1941 is hereby amended to read as follows:

"(f) The development of a project shall be deemed to be 'initiated', within the meaning of this Act, if the Hawaii housing authority has issued any bonds, notes or other obligations with respect to financing the development of such project of the Hawaii housing authority, or has contracted with the federal government with respect to the exercise of powers hereunder in the development of such project of the federal government for which an allocation of funds has been made prior to the termination of the present war."

Section 3. This Act shall take effect upon its approval.

(Approved May 3, 1943.) S.B. 216, Act 107.

**CHAPTER 262C. VETERANS,
 BURIAL OF.**

[D-169] An Act to Insure the Decent Burial of All Honorable Discharged Veterans of the Armed Forces of the United States of America Who Served During a War in Which the United States Was Engaged.

Be It Enacted by the Legislature of the Territory of Hawaii:

[Sec. 7980A.] Section 1. [**Veterans ensured decent burial.**] No honorable discharged veteran of the armed forces of the United States of America, residing in the Territory of Hawaii, shall be buried in a pauper's grave in the Territory of Hawaii, nor in any cemetery in which only indigent dead are buried.

[Sec. 7980B.] Section 2. [**Expenses, how paid; maximum cost.**] The treasurer of the Territory of Hawaii is authorized and directed to pay such sums of money, as from time to time may be necessary to insure the purposes of this Act, for the funeral expenses of any honorably discharged veteran of the armed forces of the United States of America who served during a war in which the United States of America was engaged, upon warrants issued by the auditor of the Territory of Hawaii, upon presentation of vouchers signed by the manager, United States Veterans Administration.

Such expenses shall, however, in no individual case, exceed, including any amount paid for funeral expenses by the Federal government, the sum of one hundred and twenty-five dollars (\$125.00).

[Sec. 7980C.] Section 3. [**Appropriation.**] The sum of twenty-five hundred dollars (\$2500.00), or so much thereof as may be necessary to meet the expenditures of this Act, is appropriated out of any money received in the treasury of the Territory of Hawaii from the general revenues.

Section 4. This Act shall take effect upon its approval.

(Approved April 28, 1943.) **H.B. 139, Act 71.**

Title XXVII. BOND ACTS AND SINKING FUNDS.

CHAPTER 263 TERRITORIAL BOND ISSUES.

[E-170] An Act to Provide for the Issuance of Duplicate Bonds of the Territory of Hawaii and Certificates of Ownership in Place of Bonds Which Have Been Destroyed or Defaced.

Be It Enacted by the Legislature of the Territory of Hawaii:

[Sec. 8008.] Section 1. **Destroyed bonds; duplicates.** Whenever it appears to the treasurer of the Territory of Hawaii by clear proof satisfactory to him that any interest bearing bond of the Territory of Hawaii has, without bad faith upon the part of the owner, been destroyed, wholly or in part, or so defaced as to impair its value to the owner, and such bond is identified by number and description, the treasurer of the Territory shall, under such conditions and upon such security, if any, as he may prescribe, cause to be issued a duplicate thereof, with remaining unpaid coupons attached and so marked as to show the original number of the bond destroyed or defaced and the date thereof.

All duplicate bonds issued in place of bonds destroyed or defaced pursuant to the provisions hereof shall be lithographed or steel engraved, and shall be signed by the treasurer of the Territory, and by the auditor of the Territory, and be sealed with the seal of the office of the treasurer. Interest coupons shall bear a lithographed or engraved facsimile of the signature of the treasurer of the Territory.

But when such destroyed or defaced bond appears to have been of such a class or series as has been called or will be called in for redemption or will mature within a period of one year following the date of application for a duplicate bond, instead of issuing a duplicate bond therefor, the treasurer of the Territory may, under such conditions and upon such security, if any, as he may prescribe, pay such bond at its call date with interest if it is already called for redemption, or if it is to be called for redemption, or if it is to be called for redemption or will mature within the period of one year, issue a transferable certificate of ownership to the applicant

and pay on such certificate the call price of the bond represented thereby together with interest called for by the destroyed or defaced bond on the date of its call or its original maturity upon surrender of the certificate of ownership. All such transferable certificates of ownership which may be issued pursuant to the terms hereof shall be in such form as the treasurer of the Territory may prescribe and shall be signed by the treasurer of the Territory and by the auditor of the Territory and sealed with the seal of the office of the treasurer.

All expenses necessary for the providing of any duplicate bond or certificate of ownership shall be borne by the owner thereof.

Section 2. This Act shall take effect on its approval.

(Approved May 3, 1943.) **S.B. 249, Act 110.**

CHAPTER 266. SINKING FUNDS FOR REDEMPTION OF TERRITORIAL BONDS.

[E-171] An Act to Amend Chapter 266 of the Revised Laws of Hawaii 1935, by Adding a New Section Thereto Relating to Bonds Which Have Been Redeemed Prior to Maturity, and by Amending Section 8032 Relating to the Purchase of Bonds for the Sinking Fund, Permitting the Transfer of Bonds from the Sinking Fund to the General, the Special or the Revolving Fund, or to the Trustees of the Employees' Retirement System.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 266 of the Revised Laws of Hawaii 1935 is hereby amended by adding a new section thereto, to be numbered 8031-A, and to read as follows:

"Section 8031-A. Transfer of bonds of the Territory redeemed prior to maturity. Any bond of the Territory redeemed prior to maturity, which pursuant to the provisions of section 8030 is being held alive until maturity, may, with the prior approval of the governor, be transferred from the sinking fund to the general, the special or the revolving fund. Upon any such transfer, money in the amount of the par

value of the bond transferred shall be credited to the sinking fund, and the fund to which the transfer is made shall be charged therefor. No transfer shall be made unless the fund to which the bond is transferred has such an ample money balance as to be able to meet all current requirements after absorbing the aforesaid charge. No transfer shall affect the requirement that the bond be kept alive until maturity. Transfers shall be for such period and upon such terms and conditions as the governor may approve. The interest earnings of any such bond so transferred shall, despite the transfer, continue to be paid into the sinking fund. Upon the expiration of any period as approved by the governor, or at such earlier time as the governor may order or approve, any bond so transferred shall be retransferred to the sinking fund. Upon such retransfer, money in the amount of the par value of the bond shall be credited to the fund from which the retransfer is made, and the sinking fund shall be charged therefor.

“Any bond of the Territory redeemed prior to maturity, which pursuant to the provisions of section 8030 is being held alive until maturity, may, with the prior approval of the governor, and with the unanimous assent of the trustees of the employees’ retirement system, be transferred from the sinking fund to the said trustees, to be held by them as an investment. Upon any such transfer, money in the amount of the par value of the bond transferred shall be credited to the sinking fund, and the investment funds of the said trustees shall be charged therefor. No transfer shall affect the requirement that the bond be kept alive until maturity. Transfers shall be for such period and upon such terms and conditions as the governor may approve and the trustees may accept. The interest earnings of any such bond so transferred shall, to the extent provided by the terms and conditions approved by the governor and accepted by the trustees, be paid to the trustees, and the balance if any shall be paid into the sinking fund.”

Section 2. **Section 8032** of the Revised Laws of Hawaii 1935, is hereby amended by adding a new paragraph to the end thereof to read as follows:

“The bonds of any political or municipal corporation or subdivision of the Territory, or any of the outstanding bonds of the Territory, which have been bought in the open market for the sinking fund, may with the prior approval of the governor be transferred to the general, the special or the revolving fund, or to the trustees of the employees’ retirement

system, but subject however to all the terms, conditions and provisions, and in the same manner as in section 8031-A provided."

Section 3. This Act shall take effect upon approval.

(Approved April 30, 1943.) **S.B. 278, Act 90.**

CHAPTER 267. MUNICIPAL AND COUNTY BONDS AND SINKING FUNDS, GENERAL.

[E-172] An Act to Amend Section 8064 of the Revised Laws of Hawaii 1935, Relating to the Redemption of Municipal and County Bonds.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 8064 of the Revised Laws of Hawaii 1935 is hereby amended by amending the last sentence thereof to read as follows:

"Bonds redeemed in the manner above provided may be held alive in the treasury of the county until due date for payment, or at the option of the county may be paid and cancelled. If part of an issue of bonds is redeemed or refunded and such bonds are paid and cancelled, payments shall continue to be made into the sinking fund for such issue of bonds to provide for the payment of the principal of or interest on bonds of the said issue remaining outstanding, unpaid and uncanceled, but no further payments shall be required to be made into said sinking fund with respect to the bonds of said issue which have been paid and cancelled."

Section 2. This Act shall take effect upon its approval.

(Approved March 20, 1943.) **S.B. 21, Act 14.**

[E-173] An Act to Provide for the Issuance of Duplicate Bonds of the Several Counties of the Territory of Hawaii and Certificates of Ownership in Place of Bonds Which Have Been Destroyed or Defaced.

Be It Enacted by the Legislature of the Territory of Hawaii:

[Sec. 8065A.]. Section 1. Destroyed bonds; duplicates.

Whenever it appears to the treasurer of any county of the Territory of Hawaii by clear proof satisfactory to him that any interest bearing bond of the county of which he is treasurer has, without bad faith upon the part of the owner, been destroyed, wholly or in part, or so defaced as to impair its value to the owner, and such bond is identified by number and description, the treasurer of the county shall, under such conditions and upon such security, if any, as he may prescribe, cause to be issued a duplicate thereof, with remaining unpaid coupons attached and so marked as to show the original number of the bond destroyed or defaced and the date thereof.

All duplicate bonds issued in place of bonds destroyed or defaced pursuant to the provisions hereof shall be lithographed or steel engraved, and shall be signed by the treasurer and by the chairman of the board of supervisors of the county and countersigned by the auditor of the county and be sealed with the seal of the county. Interest coupons shall bear a lithographed or engraved facsimile of the signature of the treasurer of the county.

But when such destroyed or defaced bond appears to have been of such a class or series as has been called or will be called in for redemption or will mature within a period of one year following the date of application for a duplicate bond, instead of issuing a duplicate bond therefor, the treasurer of the county may, under such conditions and upon such security, if any, as he may prescribe, pay such bond at its call date with interest if it is already called for redemption, or if it is to be called for redemption or will mature within the period of one year, issue a transferable certificate of ownership to the applicant and pay on such certificate the call price of the bond represented thereby together with interest called for by the destroyed or defaced bond on the date of its call or its original maturity upon surrender of the certificate of ownership. All such transferable certificates of ownership which may be issued pursuant to the terms hereof shall be in such form as the treasurer of the county may prescribe and shall be signed by the treasurer and by the chairman of the board of supervisors of the county, countersigned by the auditor of the county, and sealed with the seal of the county.

All expenses necessary for the providing of any duplicate bond or certificate of ownership shall be borne by the owner thereof.

Section 2. This Act shall take effect on its approval.

(Approved May 3, 1943.) **S.B. 247, Act 108.**

[E-174] An Act to Provide for the Issuance of Duplicate Bonds of the City and County of Honolulu and Certificates of Ownership in Place of Bonds Which Have Been Destroyed or Defaced.

Be It Enacted by the Legislature of the Territory of Hawaii:

[Sec. 8066B.] Section 1. **Destroyed bonds; duplicates.** Whenever it appears to the treasurer of the city and county of Honolulu by clear proof satisfactory to him that any interest bearing bond of the city and county has, without bad faith upon the part of the owner, been destroyed, wholly or in part, or so defaced as to impair its value to the owner, and such bond is identified by number and description, the treasurer of the city and county shall, under such conditions and upon such security, if any, as he may prescribe, cause to be issued a duplicate thereof, with remaining unpaid coupons attached and so marked as to show the original number of the bond destroyed or defaced and the date thereof.

All duplicate bonds issued in place of bonds destroyed or defaced pursuant to the provisions hereof shall be lithographed or steel engraved, and shall be signed by the treasurer and by the mayor of the city and county, countersigned by the auditor of the city and county and be sealed with the seal of the city and county of Honolulu. Interest coupons shall bear a lithographed or engraved facsimile of the signature of the treasurer of the city and county of Honolulu.

But when such destroyed or defaced bond appears to have been of such a class or series as has been called or will be called in for redemption or will mature within a period of one year following the date of application for a duplicate bond, instead of issuing a duplicate bond therefor, the treasurer of the city and county may, under such conditions and upon such security, if any, as he may prescribe, pay such bond at its call date with interest if it is already called for redemption, or if it is to be called for redemption or will mature within the period of one year, issue a transferable certificate of ownership to the applicant and pay on such certificate the call price of the bond represented thereby together with interest called for by the destroyed or defaced bond on the date of its call or its original maturity upon surrender of the certificate of ownership. All such transferable certificates of ownership which may be issued pursuant to the terms hereof shall be in such form as the treasurer of the city and county may prescribe and shall be signed by the treasurer and by the mayor of the city and county, countersigned by the auditor

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of the city and county and sealed with the seal of the city and county of Honolulu.

All expenses necessary for the providing of any duplicate bond or certificate of ownership shall be borne by the owner thereof.

Section 2. This Act shall take effect on its approval.

(Approved May 3, 1943.) **S.B. 248, Act 109.**

CHAPTER 267A. THE REVENUE BOND ACT OF 1935.

[E-175] An Act Amending Act 174 of the Session Laws of Hawaii 1935, Relating to Revenue Bonds, So as to Extend the Time Within Which Such Bonds May be Issued.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 17 of Act 174 of the Session Laws of Hawaii 1935 is hereby amended to read as follows:

[Sec. 8066P.] "Section 17. **Termination of power to issue bonds.** Except in pursuance to any contract or agreement theretofore entered into by any municipality, no municipality shall borrow any money or deliver any bonds pursuant to this Act to the purchasers thereof after June 30, 1945." [L. 1935, c. 174, s. 17; am. L. 1937, c. 23, s. 1; am. L. 1939, c. 58, s. 1; am. L. 1943, c. 16, s. 1.]

Section 2. This Act shall take effect from and after the date of its approval.

(Approved March 22, 1943.) **S.B. 20, Act 16.**

CHAPTER 267C. APPROPRIATIONS, GENERAL.

[E-176] An Act Making Appropriations Out of the General Revenues for the Biennial Period Ending June 30, 1945.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. That the following sums, or so much thereof as may be necessary, respectively, are hereby appropriated for the objects and purposes hereinafter specified for the biennial period ending

June 30, 1945, out of the moneys in the treasury received from general revenues:

DEPARTMENT OF AGRICULTURE AND FORESTRY

Board of Administration		\$71,095.00
A. Personal Services	\$55,000.00	
President	\$14,400.00	
Assistant to the President	10,167.00	
Other Personal Services	30,433.00	
B. Other Current Expenses	15,595.00	
C. Equipment	500.00	
Division of Animal Industry.....		119,312.00
A. Personal Services	99,622.00	
B. Other Current Expenses	15,140.00	
C. Equipment	3,050.00	
G. Capital Outlays for Rights and Obligations	1,500.00	
Division of Entomology (Proper)...		153,530.00
A. Personal Services	135,930.00	
B. Other Current Expenses	17,000.00	
C. Equipment	600.00	
Importation and Propagation of Beneficial Insects, Birds and Other Insects		2,500.00
B. Other Current Expenses	2,500.00	
Eradication of Giant African Snails..		26,894.00
A. Personal Services	21,007.00	
B. Other Current Expenses	5,387.00	
C. Equipment	500.00	
Eradication of Crayfish		7,000.00
B. Current Expenses	7,000.00	
Division of Forestry.....		242,654.00
A. Personal Services	214,804.00	
B. Other Current Expenses	27,100.00	
C. Equipment	750.00	

Division of Fish and Game.....		55,767.00
A. Personal Services	43,767.00	
B. Other Current Expenses	12,000.00	
Total: Department of Agriculture and Forestry..		<u>\$678,752.00</u>

ATTORNEY GENERAL

Attorney General's Office		\$141,967.00
A. Personal Services	\$122,867.00	
Attorney General. \$19,800.00		
Other Personal		
Services	88,067.00	
For additional at-		
torney or attor-		
neys when needed 15,000.00		
B. Other Current Expenses	13,100.00	
C. Equipment	6,000.00	
Total: Attorney General		<u>\$141,967.00</u>

AUDITING DEPARTMENT

Auditor's Office		\$229,508.00
A. Personal Services	\$206,288.00	
Auditor	\$14,400.00	
Deputy Auditor..	13,000.00	
Other Personal		
Services	173,888.00	
Special Revolving		
Fund for ad-		
vancing of ac-		
countant's salary		
under special		
assignment	5,000.00	
B. Other Current Expenses	23,220.00	
Veterans, Hawaii Guard 1893-1898..		30,000.00
A. Personal Services	360.00	
Pensioner who handles Wel-		
fare Work for other members		
and delivers monthly checks		
shall be paid \$15.00 per month		

F. Fixed Charges	29,640.00	
Grants, Subsidies and Contributions		
Permanent Pensions		54,984.00
F. Fixed Charges	54,984.00	
Grants, Subsidies and Contributions		
Total: Auditing Department		\$314,492.00

BUREAU OF THE BUDGET

Bureau of the Budget.....		\$119,261.00
A. Personal Services	\$107,761.00	
Director	\$17,000.00	
Budget Examiner.	12,200.00	
Budget Examiner.	12,200.00	
Budget Examiner.	12,200.00	
Budget Examiner.	11,856.00	
Budget Examiner.	8,533.00	
Purchasing		
Executive	8,927.00	
Purchasing Clerk.	5,324.00	
Account Clerk ...	4,117.00	
Account Clerk ...	4,117.00	
Stenographer	4,255.00	
Stenographer	4,236.00	
Typist	2,796.00	
B. Current Expenses	11,000.00	
Revolving Fund—		
Division of		
Supplies	2,500.00	
Other Current		
Expenses	8,500.00	
C. Equipment	500.00	
Total: Bureau of the Budget.....		\$119,261.00

CIVIL SERVICE COMMISSION

Civil Service Commission (Proper) ..		\$53,801.00
A. Personal Services	\$45,301.00	
B. Other Current Expenses	8,500.00	

Personnel Classification Board		35,303.00
A. Personal Services	29,803.00	
B. Other Current Expenses	5,500.00	
Total: Civil Service Commission.....		<u>\$89,104.00</u>

EMPLOYEES' RETIREMENT SYSTEM

Employees' Retirement System.....		\$1,772,063.00
A. Personal Services	\$87,074.00	
B. Other Current Expenses	7,600.00	
C. Equipment	2,345.00	
F. Fixed Charges	1,675,044.00	
Pension Accumu- lation Fund	\$1,623,876.00	
Permanent Pen- sions Under Act 261, Ses- sion Laws of 1925 and Act 31, Session Laws of 1927	21,168.00	
Act 72, Special Session Laws of 1941— Service Credits and Contribu- tions for Mem- bers on Mili- tary Leave	30,000.00	
Total: Employees' Retirement System.....		<u>\$1,772,063.00</u>

EXECUTIVE DEPARTMENT

Governor's Office and Washington Place		\$51,000.00
B. Current Expenses	\$51,000.00	
To be expended at the discretion of the Governor		
Governor's Contingent Fund		50,000.00
B. Current Expenses	50,000.00	

From which expenditures may
 be made only with the approval
 of the Governor and only for

urgent needs for which no specific appropriation or an insufficient appropriation is made herein or otherwise, a detailed account of all of which expenditures shall be submitted to the next legislature, provided, however, that no expenditure shall be made out of this fund to increase any salary

Governor's Contingent Fund for Augmentation of Departmental Appropriations and for Other Purposes....

150,000.00

From which expenditures may be made to augment departmental appropriations to cover the salaries of additional personnel in any department when needed, for the hire of substitutes for regular personnel on authorized leave, to meet any personnel adjustments should the emergency end during the ensuing biennium, and for any other purposes; a detailed account of all of which expenditures shall be submitted to the next legislature

Total: Executive Department \$251,000.00

GRANTS TO OTHER INSTITUTIONS

F. Fixed Charges \$1,739,181.00

Grants, Subsidies and Contributions \$1,739,181.00

Leahi Home \$670,000.00

Puumaile Home. 388,000.00

Kula Sanatorium 350,000.00

Samuel Mahelona
Memorial

Hospital 221,181.00

Shingle Memorial

Hospital 30,000.00

Lunalilo Home .. 60,000.00

Kapiolani Maternity and Gynecological Hospital

20,000.00

(This is in addition to the amount appropriated under Act 176, Session Laws of 1937)

Total: Grants to Other Institutions..... \$1,739,181.00

HARBOR COMMISSION

Board of Harbor Commissioners (Proper) \$37,157.00

A. Personal Services \$31,732.00

B. Other Current Expenses 5,425.00

Maintenance and Additions, Landings, Wharves and Pipelines, and Other Property Under the Control of the Board of Harbor Commissioners..... 250,205.00

A. Personal Services 155,253.00

B. Current Expenses 94,952.00

Dredging, Kawaihae Channel \$20,000.00

Other Current Expenses 74,952.00

Harbor Masters and Pilots..... 93,182.00

A. Personal Services 68,864.00

B. Other Current Expenses 24,318.00

Total: Harbor Commission \$380,544.00

HAWAII EQUAL RIGHTS COMMISSION

Hawaii Equal Rights Commission..... \$43,850.00

A. Personal Services \$19,466.00

B. Other Current Expenses 23,884.00

(The amount shown under Other Current Expenses shall not become available unless House Bill No. 300 becomes law)

C. Equipment 500.00

Total: Hawaii Equal Rights Commission..... \$43,850.00

HAWAIIAN HOMES COMMISSION

Hawaiian Homes Commission		\$67,114.00
E. Structures and Permanent Improve- ments to Land	\$7,800.00	
Purchase of Hoolehua		
Store Building	\$4,500.00	
Reforestation with		
Federal Aid	3,300.00	
F. Contribution to Special Administra- tion Account	59,314.00	
<p>To supplement receipts from rentals of available lands to balance the Commission's Special Administration Budget for the biennium 1943-1945 which is hereby approved in the amount of \$179,314.00. Provided, however, that this contribution shall be reduced to the extent that said receipts from rentals of available lands for the Hawaiian Homes Administration Account shall exceed the sum of \$120,000.00 during the biennium</p>		
Total: Hawaiian Homes Commission.....		\$67,114.00

DEPARTMENT OF HEALTH

General Administration		\$87,769.00
A. Personal Services	\$75,019.00	
President	\$17,000.00	
Other Personal		
Services	58,019.00	
B. Other Current Expenses	12,400.00	
Other Travel		
Expenses	1,500.00	
Other Current		
Expenses	10,900.00	
C. Equipment	350.00	
Bureau of Vital Statistics.....		53,055.00
A. Personal Services	41,055.00	
B. Other Current Expenses	12,000.00	

Tuberculosis Bureau		73,656.00
A. Personal Services	35,856.00	
B. Other Current Expenses	29,300.00	
C. Equipment	8,500.00	
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Bureau of Public Health Nursing.....		440,877.00
A. Personal Services	370,480.00	
Civil Service requirements for Public Health Nurses added shall be waived and Retirement System prior service credit ex- tended		
B. Other Current Expenses	47,000.00	
C. Equipment	23,397.00	
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Motor Vehicles	22,300.00	
Other Equipment ..	1,097.00	
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Plague Campaign		350,551.00
A. Personal Services	304,051.00	
B. Other Current Expenses	45,000.00	
C. Equipment	1,500.00	
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Bureau of Communicable Diseases.....		87,323.00
A. Personal Services	59,553.00	
B. Other Current Expenses	25,600.00	
C. Equipment	2,170.00	
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Bureau of Maternal and Child Health..		40,683.00
A. Personal Services	16,183.00	
B. Other Current Expenses	24,000.00	
C. Equipment	500.00	
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Bureau of Pure Food and Drugs.....		27,372.00
A. Personal Services	24,360.00	
B. Other Current Expenses	2,600.00	
C. Equipment	412.00	
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Bureau of Mental Hygiene.....		95,063.00
A. Personal Services	60,173.00	
B. Current Expenses	34,590.00	
C. Equipment	300.00	
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Bureau of Sanitation		271,156.00
A. Personal Services	238,156.00	
B. Current Expenses	30,000.00	
C. Equipment	3,000.00	
Board of Examiners		150.00
B. Current Expenses	150.00	
Government Physicians		100,500.00
A. Personal Services	93,000.00	
B. Other Current Expenses	7,500.00	
Bureau of Crippled Children.....		50,000.00
B. Current Expenses	50,000.00	
Venereal Disease Control.....		30,000.00
A. Personal Services	20,280.00	
B. Other Current Expenses	9,720.00	
Total: Department of Health.....		<u>\$1,708,155.00</u>

OFFICE OF HIGH SHERIFF

Office of High Sheriff.....		\$4,200.00
A. Personal Services	\$4,200.00	
Total: Office of High Sheriff.....		<u>\$4,200.00</u>

DEPARTMENT OF HOSPITALS AND
SETTLEMENT

General Administration		\$57,532.00
A. Personal Services	\$53,337.00	
B. Other Current Expenses	4,095.00	
C. Equipment	100.00	
Kalaupapa Settlement		898,653.00
A. Personal Services	362,703.00	
B. Current Expenses	500,790.00	
Repairs, Father		
Damien Memorial	\$3,000.00	
Upkeep of Church		
Yards and Chapels	600.00	
Other Current		
Expenses	497,190.00	

C. Equipment	15,400.00	
F. Fixed Charges	19,760.00	
	<hr/>	
Grants, Subsidies and Contributions	19,760.00	
	<hr/>	
Kalihi Hospital		143,359.00
A. Personal Services	80,404.00	
B. Other Current Expenses	61,255.00	
C. Equipment	500.00	
F. Fixed Charges	1,200.00	
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Grants, Subsidies and Contributions	1,200.00	
	<hr/>	
Rental, Kalihi Site		3,240.00
B. Current Expenses	3,240.00	
	<hr/>	
Parole and Suspect Division		13,044.00
A. Personal Services	7,544.00	
B. Other Current Expenses	5,500.00	
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Board's Clinic		14,972.00
A. Personal Services	10,223.00	
B. Other Current Expenses	4,649.00	
C. Equipment	100.00	
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Welfare Division		7,645.00
A. Personal Services	6,795.00	
B. Other Current Expenses	850.00	
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Kalaupapa Store		6,000.00
B. Current Expenses	6,000.00	
	<hr/>	
Care and Placement of Dependent Chil- dren Under the Care and Custody of the Board of Hospitals and Settlement		27,235.00
B. Current Expenses	27,235.00	
	<hr/>	
Aiding Indigent Persons Released from Kalihi Hospital and Kalaupapa Settle- ment		2,000.00
F. Fixed Charges	2,000.00	
	<hr/>	
Grants, Subsidies and Contributions	2,000.00	
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Relief of Persons Released from Kalihi Hospital and Kalaupapa Settlement..		1,500.00
F. Fixed Charges	1,500.00	
	<hr/>	
Grants, Subsidies and Contributions	1,500.00	
	<hr/>	
Total: Department of Hospitals and Settlement...		<u>\$1,175,180.00</u>

DEPARTMENT OF INSTITUTIONS

Office of Director		\$71,465.00
A. Personal Services	\$63,915.00	
Director	\$17,000.00	
Other Personal Services	46,915.00	
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B. Other Current Expenses	6,800.00	
C. Equipment	750.00	
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Waimano Home		628,419.00
A. Personal Services	364,019.00	
B. Other Current Expenses	193,900.00	
C. Equipment	20,500.00	
Motor Vehicles	1,500.00	
Other Equipment ..	19,000.00	
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E. Structures and Permanent Improvements to Land.....	50,000.00	
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Buildings	50,000.00	
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Waimano Home		159,750.00
The following amounts will be avail- able in the event they can secure addi- tional buildings:		
A. Personal Services	91,250.00	
B. Other Current Expenses	43,500.00	
C. Other Equipment	25,000.00	
	<hr/>	
Territorial Hospital		1,146,670.00
A. Personal Services	741,410.00	
B. Other Current Expenses	380,260.00	
C. Equipment	25,000.00	
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Ambulance	2,000.00	
Other Equipment ..	23,000.00	
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Division of Paroles and Home Placements		106,656.00
A. Personal Services	68,416.00	
B. Other Current Expenses	13,240.00	
Home Placements	25,000.00	
	<hr/>	
Waialeale Training		
School	10,000.00	
Kawailoa Training		
School	10,000.00	
Waimano Home	5,000.00	
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Division of Paroles and Home Placements		21,705.00
The following amounts will be available in the event Waimano Home can secure additional buildings:		
A. Personal Services	14,325.00	
B. Other Current Expenses	2,880.00	
C. Equipment	4,500.00	
	<hr/>	
Kawailoa Training School for Girls....		237,428.00
A. Personal Services	133,128.00	
B. Other Current Expenses	92,650.00	
C. Equipment	7,650.00	
Motor Vehicles	2,500.00	
All Other Equipment	5,150.00	
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E. Structures and Permanent		
Improvements to Land (Water		
Tunnel)	4,000.00	
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Waialeale Training School for Boys....		256,104.00
A. Personal Services	142,804.00	
B. Other Current Expenses	102,000.00	
C. Equipment	4,800.00	
Motor Vehicles	1,800.00	
Other Equipment ..	3,000.00	
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E. Structures and Permanent		
Improvements to Land	6,500.00	
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Buildings	6,300.00	
Other Improvements		
to Land	200.00	
	<hr/>	

Oahu Prison		523,071.00
A. Personal Services	305,671.00	
B. Other Current Expenses	209,400.00	
C. Equipment	8,000.00	
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Motor Vehicles	2,500.00	
Other Equipment ..	5,500.00	
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Prisoners' Compensation		17,000.00
A. Personal Services	17,000.00	
	<hr/>	
Waiakea Prison Camp		57,031.00
A. Personal Services	27,581.00	
B. Other Current Expenses	27,150.00	
C. Equipment	2,300.00	
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Motor Vehicles	1,600.00	
Other Equipment ..	700.00	
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Olinda Prison Camp		56,494.00
A. Personal Services	27,744.00	
B. Other Current Expenses	24,850.00	
C. Equipment	3,900.00	
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Motor Vehicles	1,600.00	
Other Equipment ..	2,300.00	
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Board of Paroles and Pardons.....		52,291.00
A. Personal Services	47,941.00	
B. Other Current Expenses	4,150.00	
C. Equipment	200.00	
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Bureau of Crime Statistics and Identifi- cation		17,956.00
A. Personal Services	15,911.00	
B. Other Current Expenses	1,160.00	
C. Equipment	885.00	
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Total: Department of Institutions.....		\$3,352,040.00

JUDICIAL DEPARTMENT

Supreme Court		\$81,620.00
A. Personal Services	\$45,120.00	
B. Other Current Expenses	22,000.00	
C. Equipment	14,500.00	
	<hr/>	

District of Kalawao		2,550.00
A. Personal Services	2,400.00	
B. Other Current Expenses	150.00	
Land Court		35,320.00
A. Personal Services	33,120.00	
B. Other Current Expenses	2,200.00	
Total: Judicial Department		<u>\$119,490.00</u>

DEPARTMENT OF LABOR AND
 INDUSTRIAL RELATIONS

General Administration		\$261,027.00
A. Personal Services	\$201,057.00	
Executive	\$14,400.00	
Other Personal Services	186,657.00	
B. Other Current Expenses	58,470.00	
C. Equipment	1,500.00	
Total: Department of Labor and Industrial Relations		<u>\$261,027.00</u>

LIBRARIES

Library of Hawaii		\$339,195.00
A. Personal Services	\$260,895.00	
Braille Helper	\$2,463.00	
(Who shall be a blind person)		
Other Personal Services	258,432.00	
B. Other Current Expenses	34,300.00	
C. Equipment	44,000.00	
Office Equipment and Furnishings ..	2,000.00	
Other Equipment ..	42,000.00	
Hawaii County Library		82,987.00
A. Personal Services	54,427.00	
B. Other Current Expenses	9,060.00	
C. Equipment	19,500.00	

Maui County Free Library.....		87,925.00
A. Personal Services	59,639.00	
B. Other Current Expenses	10,000.00	
C. Equipment	18,286.00	
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Kauai Public Library Association, Ltd..		52,374.00
A. Personal Services	36,074.00	
B. Other Current Expenses	6,300.00	
C. Equipment	10,000.00	
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Total: Libraries		<u>\$562,481.00</u>

PUBLIC ARCHIVES

Public Archives		\$45,092.00
A. Personal Services	\$40,467.00	
B. Other Current Expenses	3,625.00	
C. Equipment	1,000.00	
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Total: Public Archives		<u>\$45,092.00</u>

DEPARTMENT OF PUBLIC INSTRUCTION

General Administration		\$150,386.00
A. Personal Services	\$121,940.00	
Superintendent ..	\$17,000.00	
Other Personal Services	104,940.00	
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B. Other Current Expenses	26,099.00	
C. Equipment	2,347.00	
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Board of Examiners		613.00
B. Current Expenses	613.00	
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Insurance and Bonds		1,808.00
B. Current Expenses	1,808.00	
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Field Expenses—General Items		37,700.00
B. Current Expenses	28,300.00	
C. Equipment	9,400.00	
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Supplies and Equipment: Grades 1-6		81,128.00
B. Current Expenses	56,269.00	
C. Equipment	24,859.00	
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Supplies and Equipment: Grades 7-9		64,101.00
B. Current Expenses	32,201.00	
C. Equipment	31,900.00	
Supplies and Equipment: Grades 10-12		51,250.00
B. Current Expenses	21,250.00	
C. Equipment	30,000.00	
Territorial School for Deaf and Blind		145,412.00
A. Personal Services	106,712.00	
B. Other Current Expenses	35,200.00	
C. Equipment	3,500.00	
Division of Health Education.....		18,506.00
A. Personal Services	12,956.00	
B. Other Current Expenses	5,250.00	
C. Equipment	300.00	
Division of Dental Hygiene.....		116,086.00
A. Personal Services	109,480.00	
B. Other Current Expenses	6,306.00	
C. Equipment	300.00	
Division of Vocational Education....		12,300.00
B. Current Expenses	7,800.00	
C. Equipment	500.00	
F. Fixed Charges	4,000.00	
Contribution to Special Vocational Fund	4,000.00	
Honolulu Vocational School		8,530.00
A. Personal Services	3,030.00	
B. Other Current Expenses	2,100.00	
E. Structures and Permanent Improvements to Land.....	3,400.00	
Buildings	3,400.00	
Future Farmers of America		1,100.00
B. Current Expenses	1,100.00	
Future Homemakers of Hawaii.....		600.00
B. Current Expenses	600.00	

GENERAL APPROPRIATION ACT.

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[SERIES E-176.—ACT 191]

Books for Indigent Children.....		5,740.00
B. Current Expenses	5,740.00	
School Expenses and Transportation: Crippled Children		4,530.00
B. Current Expenses	3,780.00	
C. Equipment	750.00	
Division of Vocational Rehabilitation.		36,745.00
A. Personal Services	19,554.00	
B. Other Current Expenses	16,691.00	
C. Equipment	500.00	
Vocational Rehabilitation of Persons Disabled in Industry or Otherwise who are Over School Age and Con- fined in Tubercular Hospitals or Tubercular Sanitariums		16,000.00
To be expended in the same man- ner as the appropriation made by Act 159 of the Session Laws of Hawaii 1941, and the provisions of sections 1 and 2 of said Act are hereby made applicable to this ap- propriation		
A. Personal Services	15,200.00	
B. Other Current Expenses	400.00	
C. Equipment	400.00	
Schools Which Qualify for Benefits Under Smith-Hughes and Other Federal Legislation Pertaining to Vocational Education in Agricul- ture, for School Farms and Other Instruction in Vocational Agriculture		58,000.00
B. Current Expenses	26,500.00	
C. Equipment	31,500.00	

The above amounts are appro-
priated in addition to any other
appropriations for the same
schools. Section 2 of Act 328
(Series E-263) of the Session
Laws of Hawaii 1941 is hereby
made applicable to the amounts
hereinabove appropriated for
supplies and equipment

Additions to and Maintenance of Ha- waii Vocational School, Maui Voca- tional School, Honolulu Vocational School and Kauai Vocational School, and the Conduct of Industrial Courses in High Schools.....		149,300.00
B. Current Expenses	22,000.00	
C. Equipment	79,800.00	
E. Structures and Permanent Improvements to Land	47,500.00	
Buildings	47,500.00	

The above amounts are appro-
 priated in addition to any other
 appropriations made for the
 same schools, but are in lieu of
 and not in addition to the unex-
 pended balances of the appro-
 priations made by sections 1 and
 4 of Act 271 (Series E-262) of
 the Session Laws of Hawaii
 1941. Section 2 of said Act 271
 of the Session Laws of 1941 is
 hereby made applicable to the
 amounts hereinabove appropri-
 ated for supplies, equipment and
 structures and improvements to
 land.

Total: General School Budget.....		959,835.00
Salaries of Teachers.....		12,701,409.00
A. Elementary Teachers	6,392,644.00	
B. Intermediate Teachers	1,724,375.00	
C. High School Teachers	1,569,577.00	
D. Vocational Teachers	1,236,558.00	
E. Principals	619,006.00	
F. Supervisors	125,767.00	
G. Secretaries	427,323.00	
H. Librarians	261,271.00	
I. Substitutes	40,383.00	
L. Travel	20,566.00	
N. Cafeteria Managers	283,939.00	

Total: Department of Public Instruction.....\$13,661,244.00

DEPARTMENT OF PUBLIC LANDS AND SURVEY

Public Lands and Survey Department..		\$272,014.00
A. Personal Services	\$252,014.00	
Commissioner of Public Lands and Surveyor	\$14,400.00	
Other Personal Services	237,614.00	
B. Other Current Expenses	20,000.00	
Taxation Maps Bureau		70,647.00
A. Personal Services	65,447.00	
B. Other Current Expenses	5,200.00	
Division of Hydrography		85,520.00
A. Personal Services	38,270.00	
B. Other Current Expenses	10,180.00	
Other Current Expenses: To be matched in like amount from federal funds	34,070.00	
C. Water Survey, Kona	3,000.00	
Total: Department of Public Lands and Survey....		\$428,181.00

DEPARTMENT OF PUBLIC WORKS

Superintendent of Public Works.....		\$68,660.00
A. Personal Services	\$63,224.00	
Superintendent	\$17,000.00	
Other Personal Services	46,224.00	
B. Other Current Expenses	5,436.00	
Public Buildings and Grounds Service..		182,323.00
A. Personal Services	164,823.00	
B. Other Current Expenses	17,500.00	
Structures, Additions, Maintenance, Re- pairs to and Tearing Down or Re- moval of Government Property (In- cluding Airports, Armories, War Memorials) and Improvements to		

Grounds		144,812.00
A. Personal Services	23,762.00	
B. Other Current Expenses	106,050.00	
C. Equipment	10,000.00	
Elevator, Territorial Building	10,000.00	
E. Structures and Permanent Improvements to Land	5,000.00	
Buildings	5,000.00	
Governor's Office and Washington Place		3,000.00
C. Equipment	3,000.00	
Total: Department of Public Works.....		<u>\$398,795.00</u>

RADIO COMMISSION

Radio Commission		\$49,040.00
A. Personal Services	\$35,335.00	
B. Other Current Expenses	11,205.00	
C. Equipment	2,500.00	
Total: Radio Commission		<u>\$49,040.00</u>

DEPARTMENT OF SECRETARY OF HAWAII

Secretary's Office		\$36,862.00
A. Personal Services	\$30,937.00	
B. Other Current Expenses	5,300.00	
C. Equipment	625.00	
Expenses of Elections		36,700.00
A. Personal Services	25,000.00	
B. Other Current Expenses	10,700.00	
C. Equipment	1,000.00	
Publication Session Laws of Hawaii.....		19,000.00
A. Personal Services	1,000.00	
B. Other Current Expenses	18,000.00	

Additional Compensation, Secretary of Hawaii, Act 180, Session Laws of Hawaii 1937			3,400.00
A. Personal Services	3,400.00		
Total: Department of Secretary of Hawaii			<u>\$95,962.00</u>

BUREAU OF SIGHT CONSERVATION AND WORK WITH THE BLIND

Bureau of Sight Conservation and Work with the Blind		\$108,031.00
To be expended by the Department of Public Welfare with the approval of the Governor of Hawaii		
A. Personal Services	64,561.00	
B. Current Expenses	20,170.00	
Shop Revolving Fund and Handicraft ...	\$5,500.00	
Eye Glass and Medical Care	1,000.00	
Other Current Expenses	<u>13,670.00</u>	
C. Equipment		3,300.00
Vending Stand Establishment Fund	300.00	
Other Equipment ...	<u>3,000.00</u>	
E. Structures and Permanent Improvements to Land	20,000.00	
Total: Bureau of Sight Conservation and Work with the Blind		<u>\$108,031.00</u>

TAX COMMISSIONER'S DEPARTMENT

Tax Commissioner's Office		\$1,214,441.00
A. Personal Services	\$1,049,441.00	
Tax Commissioner	\$17,000.00	
Other Personal Services	1,028,648.00	
Tax Collector at Kau	<u>3,793.00</u>	

B. Other Current Expenses	130,000.00	
C. Equipment	35,000.00	
Motor Vehicles	5,000.00	
Other Equipment	30,000.00	
Litigation Expenses		5,000.00
B. Current Expenses	5,000.00	
Boards of Review and Tax Appeal		
Courts		25,000.00
B. Current Expenses	25,000.00	
Total: Tax Commissioner's Department.....		<u>\$1,244,441.00</u>

TREASURY DEPARTMENT

Treasurer's Office		\$84,951.00
A. Personal Services	\$75,131.00	
Treasurer	\$14,400.00	
Other Personal		
Services	60,731.00	
B. Other Current Expenses	9,620.00	
C. Equipment	200.00	
Deputy Bank Examiner		92,872.00
A. Personal Services	81,172.00	
B. Other Current Expenses	11,400.00	
C. Equipment	300.00	
Insurance Commissioner		13,829.00
A. Personal Services	8,785.00	
B. Other Current Expenses	4,994.00	
C. Equipment	50.00	
Bureau of Conveyances		159,777.00
A. Personal Services	139,847.00	
B. Other Current Expenses	13,930.00	
C. Equipment	6,000.00	
Expenses Official Bonds		15,000.00
B. Current Expenses	15,000.00	
Public Debt Service		18,455.00
B. Current Expenses	18,455.00	

Interest on Funded Debt.....		2,110,960.00
F. Fixed Charges	2,110,960.00	
Sinking Funds and Redemption of Existing Indebtedness		2,729,061.00
F. Fixed Charges	2,729,061.00	
Transfer to Territorial Insurance Fund		40,000.00
F. Fixed Charges	40,000.00	
Total: Treasury Department		<u>\$5,264,905.00</u>

UNIVERSITY OF HAWAII

University Proper \$1,293,432.00

All functions expendable at the direction and under the supervision of the Board of Regents of the University of Hawaii. Provided, however, that the amount of this appropriation necessary to match allotments made by the federal government for extension work shall be payable to the University of Hawaii in total, by single warrant, or by several warrants, representing periodical allotments. Provided, further, that disbursements matching federal allotments may be regularly audited by the federal auditor and shall be subject to the same limitations as respect the character of expenditures of the federal funds which it offsets.

A. Personal Services \$1,273,432.00

 Psychological

 Clinic \$58,886.00

 Other Personal

 Services 1,214,546.00

E. Structures and Permanent
Improvements to Land 20,000.00

Total: University Proper		1,293,432.00
Legislative Reference Bureau		31,000.00
A. Personal Services	22,600.00	
B. Other Current Expenses	8,400.00	
Volcanology		12,000.00
A. Personal Services	11,420.00	
B. Other Current Expenses	350.00	
C. Equipment	230.00	
Total: University of Hawaii.....		\$1,336,432.00
GRAND TOTAL OF TOTALS.....		<u>\$35,412,024.00</u>

Section 2. Changes and transfers may be made by the head of a department or establishment with the approval of the Governor, within the foregoing schedule of appropriations, for any organization unit of such department or establishment, as to "Personal Services", "Other Current Expenses", or "Equipment". Provided, however, that in cases where no appropriation is made for "Equipment" for such organization unit of a department or establishment, the head of such department or establishment may, with the approval of the Governor, create such appropriation by changes or transfers from "Personal Services" or "Other Current Expenses" or both.

Section 3. If any section, subsection, sentence, clause or phrase of this Act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Act. The legislature hereby declares that it would have approved this Act and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid. If the application of any provision of this Act to any person or circumstance is held invalid, the application of such provision to other persons or circumstances shall not be affected thereby.

Section 4. This Act shall take effect from and after July 1, 1943.

(Approved May 13, 1943.) **H.B. 14, Act 191.**

[E-177] An Act Appropriating Funds to Cover Certain Deficiencies for Governmental Purposes for the Current and Preceding Bienniums, for Which No Funds or Insufficient Funds Were Appropriated.

Be It Enacted by the Legislature of the Territory of Hawaii:

*Section 1. The sum of two hundred sixty-five thousand six hundred twenty-three dollars (\$265,623.00) is hereby appropriated out of the general fund of the Territory of Hawaii, to augment appropriations provided for in Act 273, Series E-257 of the Session Laws of Hawaii 1941, to be allocated as follows:

Board of Commissioners of Agriculture and Forestry

Division of Animal Industry		
Personal Services	\$1,600.00	
Eradication of Giant African Snails		
Other Current Expenses	1,800.00	\$3,400.00

Civil Service Commission

Personnel Classification Board		
Personal Services		400.00

Employees' Retirement System

Personal Services	3,105.00	
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Fixed Charges:

To cover contributions due to additional salaries paid during biennium 1941-1943 due to reclassification of employees under Act 88, Special Session Laws of Hawaii 1941.....	59,960.00	
To cover contributions due to additional salaries paid during biennium 1941-1943 under Rule 33, Hawaii Defense Act	20,000.00	
Contributions of members on military leave under Act 72, Special Session Laws of Hawaii 1941, to cover period from October 1, 1940 to June 30, 1943	22,000.00	105,065.00

Board of Harbor Commissioners

Maintenance and additions, landings, wharves and pipelines and other property under the control of the board of harbor commissioners		
Personal Services		7,500.00

Board of Health		
Plague Campaign		
Personal Services	4,103.00	
Bureau of Maternal and Child Health		
Personal Services	414.00	
Bureau of Pure Food and Drugs		
Personal Services	395.00	
Bureau of Sanitation		
Personal Services	129.00	5,041.00
Board of Hospitals and Settlement		
Kalaupapa Settlement		
Other Current Expenses	103,325.00	
Kalaupapa Settlement		
Fixed Charges	375.00	
Care and Placement of Dependent		
Children	815.00	104,515.00
Department of Institutions		
Territorial Hospital		
Personal Services	26,412.00	
Board of Paroles and Pardons		
Personal Services	337.00	26,749.00
Department of Labor and Industrial Re-		
lations		
(Apprenticeship Division)		
Personal Services		139.00
Kauai Public Library Association, Limited		
Personal Services		1,480.00
Department of Public Lands and Survey		
Survey Department		
Personal Services	1,100.00	
Taxation Maps Bureau		
Personal Services	750.00	1,850.00
Secretary of Hawaii		
Secretary's Office		
Personal Services		391.00
Department of Public Welfare		
Bureau of Sight Conservation and		
Work with the Blind		
Personal Services		3,593.00
Auditing Department		
Other Current Expenses		5,500.00
	Total	<u>\$265,623.00</u>

Section 2. Nothing in this Act contained shall be deemed to limit or restrict the powers of the governor under the Hawaii Defense Act; or the powers of the personnel classification board of the Territory to supplement appropriations, including those made by this Act, to meet any increases in compensation for personal services effected pursuant to the Classification Act of 1941.

Section 3. This Act shall take effect upon its approval.

(Approved April 30, 1943.) **H.B. 135, Act 99.**

[E-178] An Act Appropriating Five Hundred Dollars (\$500.00) for Compiling, Classifying and Indexing the Session Laws of Hawaii 1943.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. There is hereby appropriated from the general fund of the Territory the sum of five hundred dollars (\$500.00) for the purpose of employing a person to compile, classify and index the Session Laws of Hawaii 1943, the same to be disbursed upon vouchers approved by the secretary of the Territory.

Any officer or employee of the Territory or any county shall be eligible to employment, and to receive compensation hereunder, in addition to his regular salary, any existing or subsequently enacted law of the Territory or ordinance of any county to the contrary notwithstanding.

Section 2. This Act shall take effect upon its approval.

(Approved March 17, 1943.) **H.B. 93, Act 12.**

[E-179] An Act Appropriating Eight Thousand Dollars (\$8,000.00) for Expenditure During the Years 1943 and 1944 by the Kamehameha Day Celebration Commission.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. There is hereby appropriated from the general revenues of the Territory the sum of eight thousand dollars (\$8,000.00), which is hereby allotted to cover expenses of Kame-

SPECIAL APPROPRIATION ACTS.

SERIES E-179.—Act 203]

SERIES E-180.—Act 74]

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hameha Day celebrations, said allotments to be made in the following manner:

(1) For Oahu	\$4,000.00
(2) For Hawaii	1,300.00
(3) For Maui	1,150.00
(4) For Molokai and Lanai.....	400.00
(5) For Kauai	1,150.00
Total	\$8,000.00

Section 2. The amount herein appropriated and allotted in the above manner shall cover all expenditures of Kamehameha Day celebrations of June 11, 1943 and 1944, by the Kamehameha Day Celebration Commission in the manner and under the provisions established by section 1 of Act 227 of the Session Laws of Hawaii 1939.

Section 3. This Act shall take effect upon its approval.

(Approved May 14, 1943.) **S.B. 207, Act 203.**

[E-180] An Act Making an Appropriation to Cover Expenses for Transporting to Their Native Lands Certain Persons Released From Oahu Prison for That Purpose.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. The sum of five thousand dollars (\$5,000.00) is hereby appropriated out of the general revenues of the Territory to cover expenses of transporting to their native lands any impecunious persons, aliens, or noncitizens of the United States who may be released from Oahu Prison for the purpose of returning or being returned to their native lands. Any unexpended balance of the money appropriated by Act 26 of the Session Laws of Hawaii 1939 shall constitute an additional appropriation, and shall be available, for the purposes of this Act.

Section 2. All expenditures under this Act shall be made upon vouchers approved by the Director of Institutions.

Section 3. This Act shall take effect upon its approval.

(Approved April 28, 1943.) **H.B. 215, Act 74.**

[E-181] An Act Appropriating One Hundred Thousand Dollars (\$100,000.00) From the General Fund of the Territory for the Use of the Territorial Highway Department.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. The sum of one hundred thousand dollars (\$100,000.00) is hereby appropriated from the general revenues of the Territory for the use of the Territorial Highway Department.

Section 2. The said sum shall be deposited with the treasurer of the Territory to the credit of the Territorial Highway Fund and shall be available for expenditure in like manner as other moneys in said fund.

Section 3. This Act shall take effect on July 1, 1943.

(Approved April 30, 1943.) **S.B. 173, Act 89.**

[E-182] An Act to Appropriate Money for Expenses of the House of Representatives of the Territory of Hawaii for the Periods Herein Specified.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. There is hereby appropriated from the public treasury the sum of one hundred thousand dollars (\$100,000.00) or so much thereof as may be necessary for the purpose of defraying the expenses of the House of Representatives of the Twenty-second Legislature of the Territory of Hawaii for the period commencing February 17, 1943, and ending November 6, 1944.

Section 2. Should there remain any balance of the aforesaid sum of one hundred thousand dollars (\$100,000.00) unexpended and not contracted for expenditure at the expiration of the aforesaid period either by said House of Representatives or any hold-over committee or committees thereof duly authorized by said House of Representatives to act after the close of the Regular Session of 1943, such balance is hereby appropriated for the purpose of defraying the expenses of any such holdover committee or committees incurred after such period.

Section 3. Each section of this Act is hereby declared to be severable from the remainder of said Act.

Section 4. This Act shall take effect upon its approval.

(Approved February 22, 1943.) **H.B. 17, Act 1.**

SPECIAL APPROPRIATION ACTS.

SERIES E-183.—ACT 2]

SERIES E-184.—ACT 168]

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[E-183] An Act to appropriate Money for the Expenses of the Senate of the Territory of Hawaii for the Periods Herein Specified.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. There is hereby appropriated from the public treasury the sum of ninety thousand dollars (\$90,000.00) or so much thereof as may be necessary, for the purpose of defraying the expenses of the Senate of the Twenty-second Legislature of the Territory of Hawaii for the period commencing February 17, 1943, and ending November 6, 1944.

Section 2. Should there remain any balance of the aforesaid sum of ninety thousand dollars (\$90,000.00) unexpended and not contracted for expenditure at the expiration of the aforesaid period, either by said Senate or any Hold-Over Committee or Committees thereof duly authorized by said Senate to act after the close of the Regular Session of 1943, such balance is hereby appropriated for the purpose of defraying the expenses of any such Hold-Over Committee or Committees incurred after such period.

Section 3. Each section of this Act is hereby declared to be severable from the remainder of said Act.

Section 4. This Act shall take effect upon its approval.

(Approved February 22, 1943.) **S.B. 1, Act 2.**

[E-184] An Act Appropriating Fifty Thousand Dollars (\$50,000.00) for the Preparation of Plans and Specifications for Improvements at Keehi Lagoon Seaplane Basin and John Rodgers Airport.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. There is hereby appropriated from the general revenues of the Territory not otherwise appropriated, the sum of fifty thousand dollars (\$50,000.00) for the preparation of plans and specifications for improvements at Keehi Lagoon Seaplane Basin and John Rodgers Airport, including an administration building, hangars, roads, utilities and furniture and equipment therefor.

Section 2. The sum so appropriated shall be expended upon warrants issued by the auditor upon vouchers approved by the superintendent of public works.

Section 3. This Act shall take effect upon its approval.

(Approved May 12, 1943.) **S.B. 166, Act 168.**

[E-185] An Act Appropriating Moneys to Reimburse the Territorial Highway Fund for Expenditures Therefrom as a Result of the Application of Act 88, Special Session Laws of Hawaii 1941, and Rule No. 33 Promulgated Under the Hawaii Defense Act.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. The sum of fifty thousand one hundred ninety-eight dollars and fifty-eight cents (\$50,198.58) is hereby appropriated from the general revenues of the Territory to reimburse the territorial highway fund for the additional expenditures made therefrom as a result of the application of Act 88, Special Session Laws of Hawaii 1941, and rule number 33 promulgated under the Hawaii Defense Act.

Section 2. Said sum shall be deposited with the treasurer of the Territory to the credit of the territorial highway fund and shall be available for expenditure in like manner as other moneys in said fund.

Section 3. This Act shall take effect upon its approval.

(Approved May 3, 1943.) **S.B. 171, Act 105.**

[E-186] An Act to Provide for the Acquisition of Additional Land and the Construction of Improvements for the Honolulu Vocational School, and Making an Appropriation Therefor.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. There is hereby appropriated out of the general fund of the Territory the sum of \$115,000.00, or so much thereof as may be necessary, for new land, and for construction and reconstruction of buildings, additions to buildings, grading, fencing, road construction, and other improvements, for the Honolulu Vocational School, said lands to be so acquired being the following parcels, or so much thereof as it shall be found practicable to acquire, namely:

1. Lot 1 of Land Court Application No. 770, situated on the mauka side of Dillingham Boulevard, Honolulu, adjoining the premises of the Honolulu Vocational School, containing an area of approximately 38,702 square feet, more particularly described by tax key 1-5-17-4.

2. The property owned by Mrs. Agnes G. McKeague, also adjoining said Honolulu Vocational School premises, contain-

ing an area of approximately 26,168 square feet, and being more particularly described by tax key 1-5-05-04.

3. Property owned by the Trustees under the Will and of the Estate of Bernice P. Bishop, Deceased, also adjoining said Honolulu Vocational School premises and the said McKeague property, containing an area of approximately 31,000 square feet, and being portions of three larger parcels of land more particularly described by tax key, respectively, as 1-5-05-23, and 1-5-05-24, and 1-5-05-25.

4. The lower or makai portion of the property owned by Von Holt Company, Ltd., lying between the said Bishop Estate property hereinabove mentioned and land owned by the Territory, being a portion of the property more particularly described by tax key 1-5-05-06.

Section 2. Any of said parcels of land, or portions thereof, may be acquired by purchase, condemnation or exchange, or by a combination of any of said methods, as may be found appropriate.

Section 3. The Governor is requested by executive order to set aside that portion of the lands now owned by the Territory, lying between the Von Holt property and the McKeague property hereinabove mentioned, as an addition to said Honolulu Vocational School premises.

Section 4. The monies appropriated by this Act shall be expended upon vouchers approved by the commissioners of public instruction or their duly authorized subordinate.

Section 5. This Act shall take effect upon its approval.

(Approved May 14, 1943.) **H.B. 162, Act 201.**

[E-187] An Act to Provide Funds for the Expansion of Instruction in Vocational Agriculture, Diversified Farming and Farm Mechanics in the Public Schools of the Territory of Hawaii.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. There is hereby appropriated out of the general fund of the Territory for the biennium ending June 30, 1945. the following respective amounts for the following purposes;

To provide student and/or adult labor in order to create, establish, continue and conduct experimental school farms at the following schools that now qualify under Smith-Hughes and other Federal legislation pertinent thereto:

PAYMENT OF CLAIMS.

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[SERIES E-187.—ACT 73
[SERIES E-188.—ACT 41

Oahu:	
Benjamin Parker High and Elementary...	\$1,500.00
Molokai:	
Molokai High and Elementary.....	3,000.00
Maui:	
Maui High	1,500.00
Hawaii:	
Honokaa High and Elementary.....	3,000.00
Konawaena High and Elementary.....	1,500.00
Pahala High and Elementary.....	1,500.00
Kauai:	
Waimea High and Elementary.....	2,400.00
Kapaa Technical and Agricultural High...	3,000.00
Total	\$17,400.00

Section 2. The amounts hereinabove appropriated shall be expended upon vouchers approved by the superintendent of public instruction or his duly authorized subordinate.

Section 3. All amounts appropriated by this Act shall be deemed to be in addition to any appropriations made by any other Act enacted at the current session of this Legislature or any extension thereof.

Section 4. This Act shall take effect upon its approval.

(Approved April 28, 1943.) **H.B. 213, Act 73.**

PAYMENT OF CLAIMS.

[E-188] An Act Authorizing the Payment to Henry Waiau, Jeanne M. Campbell, George Smythe and Henry Asing of Salaries Due Them as Inspectors of Elections.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. The treasurer of the Territory is hereby authorized and empowered to pay Henry Waiau, Jeanne M. Campbell, George Smythe and Henry Asing the sum of money set opposite their respective names for salaries due them as inspectors of elections, upon warrants issued by the auditor of the Territory, who is hereby authorized and empowered to issue the warrants upon vouchers approved by the secretary of the Territory:

Henry Waiau	\$25.00
Jeanne M. Campbell.....	10.00
George Smythe	20.00
Henry Asing	25.00.

PAYMENT OF CLAIMS.

SERIES E-188.—Act 41]

SERIES E-189.—Act 56]

SERIES E-190.—Act 65]

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Section 2. The moneys shall be paid out of the appropriation "Expenses of Elections" under Act 273, Series E-257, of the Session Laws of Hawaii 1941, for the department of secretary of Hawaii.

Section 3. This Act shall take effect upon its approval.

(Approved April 19, 1943.) **H.B. 144, Act 41.**

[E-189] An Act to Appropriate Money for the Payment of the Claim of the Roman Catholic Church in the Territory of Hawaii for Real Property Reconveyed by It to the Territory of Hawaii.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. The sum of six hundred dollars (\$600.) is hereby appropriated out of the general revenues of the Territory of Hawaii for payment to the Roman Catholic Church in the Territory of Hawaii to reimburse it the amount of the purchase price paid by it for land purchased from the Territory of Hawaii and conveyed to it by Patent Grant No. 8938, which land was subsequently reconveyed by it to the Territory of Hawaii.

Section 2. The money hereby appropriated shall be paid by the treasurer of the Territory of Hawaii upon a warrant issued by the auditor of the Territory of Hawaii to the Roman Catholic Church in the Territory of Hawaii.

Section 3. This Act shall take effect upon its approval.

(Approved April 24, 1943.) **S.B. 229, Act 56.**

[E-190] An Act Appropriating the Sum of Eight Hundred Sixteen Dollars and Twenty Cents (\$816.20) for the Relief of Reuben Goodness.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. There is hereby appropriated from the general revenues of the Territory of Hawaii the sum of eight hundred sixteen dollars and twenty cents (\$816.20) for the use of and repairs to the car of Reuben Goodness, damaged while on loan to the provisional police on the island of Maui for the purpose of defense of the islands on December 12, 1941.

Section 2. The amount hereby appropriated shall be paid by the treasurer of the Territory upon a warrant issued by the auditor of the Territory to Reuben Goodness.

Section 3. This Act shall take effect upon its approval.

(Approved April 27, 1943.) **S.B. 11, Act 65.**

[E-191] An Act Making an Appropriation to Reimburse Hawaiian Sugar Company for Money Paid for a Land Patent Issued to It Without Authority of Law.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. There is hereby appropriated from the Territorial General Fund the sum of one thousand eight hundred twenty-four and seventy-five one-hundredths dollars (\$1824.75) to reimburse Hawaiian Sugar Company, a Hawaiian corporation, being the purchase price and fees paid by said corporation to the Territory for Land Patent (Grant) No. 7857 issued on June 30, 1921 by the Commissioner of Public Lands and the Governor of the Territory, said land patent having been declared issued without authority of law and therefore void on February 12, 1943, by the presiding Judge of the Land Court of said Territory in a proceeding entitled "Land Court Application No. 1363."

Section 2. The sum appropriated by this Act shall be paid by the Territorial Treasurer upon a warrant issued by the Territorial Auditor based upon a voucher to be approved by the Commissioner of Public Lands, payment to be made upon execution of satisfactory releases by the Hawaiian Sugar Company and Olokele Sugar Company, Limited; provided, however, that such sum shall not be paid until and unless the aforesaid decision of the Land Court, and the decree entered thereon, shall have been final.

Section 3. This Act shall take effect upon its approval.

(Approved April 30, 1943.) **H.B. 136, Act 92.**

[E-192] An Act Appropriating the Sum of Eleven Hundred Dollars (\$1100.00) for the Relief of Duncan Sinclair, Eugene H. Jordan and Frank S. Pugh.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. There is hereby appropriated from the general revenues of the Territory of Hawaii the sum of eleven hundred dollars

PAYMENT OF CLAIMS.

SERIES E-192.—Act 202]

SERIES E-193.—Act 228]

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(\$1100.00) for the payment of services rendered in vocational instruction during the summer of 1942, as follows:

Duncan Sinclair	\$400.00
Eugene H. Jordan	400.00
Frank S. Pugh	300.00.

Section 2. The amounts hereby appropriated shall be paid by the treasurer of the Territory upon warrants issued by the auditor of the Territory.

Section 3. This Act shall take effect upon its approval.

(Approved May 14, 1943.) **S.B. 10, Act 202.**

[E-193] An Act for the Relief of Certain Persons, Firms and Corporations on Account of Overpayment of Taxes and Other Claims Against the Territory, and Providing Appropriations Therefor.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. The following respective sums of money are hereby appropriated out of the general revenues of the Territory of Hawaii for the purpose of reimbursing the following named persons, firms and corporations, for overpayment of taxes or for taxes illegally collected, or on account of other claims against the Territory, in the amounts set opposite their respective names:

William R. Remers—Compensation earned at the territorial prison	\$316.49
Peter L. Smith—Compensation earned at the territorial prison	143.72
	Vetoed I. M. S.
Mrs. Aana Hattori—Compensation earned at the Waimano Home	105.00
Hawaiian Electric Co., Ltd.—Real property taxes.....	185.89
Beatrice W. Oliphant—Real property taxes.....	97.25
Love's Biscuit & Bread Co., Ltd.—Real property taxes.	1,410.96
Anna DeA. Aipia—Real property taxes.....	5.22
Mary Johnson—Personal property taxes.....	58.61
American Factors, Ltd.—Unpaid claim (Board of Hospitals and Settlement)	155.99
Florence Ichinose—Compensation earned (Department of Public Instruction)	156.00
Loreen Winter—Compensation earned (Department of Public Instruction)	240.00
	Vetoed I. M. S.

SPECIAL TERRITORIAL APPROPRIATIONS.

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[SERIES E-193.—ACT 228

[SERIES E-194.—ACT 214

Precision Grinding & Machine Works, Ltd.—Unpaid claim (Board of Hospitals and Settlement).....	46.50
Hawaiian Airlines, Ltd.—Unpaid claim (Territorial Planning Board)	23.40
Henry E. Petersen—Real property taxes.....	86.16
The Printshop of Hawaii Co., Ltd.—Unpaid claim (Employees' Retirement System of the Territory of Hawaii)	75.11
Honolulu Plantation Company—Fuel tax refund.....	164.91
Sarah C. Stocks Estate—Real property taxes.....	214.65
Harry Harrison—Poll tax	10.00
N. Hakoda—Real property taxes.....	41.70
	Vetoed I. M. S.
Kunigoro Yokoyama—Real property taxes.....	196.16
	Vetoed I. M. S.

Section 2. The sums hereinabove appropriated shall be paid upon warrants issued by the territorial auditor upon vouchers approved by the tax commissioner in the several amounts and to the respective persons hereinabove set out, as to said claims for taxes, and shall be paid upon warrants issued by said auditor upon vouchers approved by the director of the bureau of the budget as to all other claims.

Section 3. Any amounts so paid which shall represent property taxes overpaid or illegally collected shall constitute an advancement to the county in which such taxes have been collected, and shall be repaid by the treasurer of the Territory into the general fund of the Territory by retaining the amount from the next collection of such taxes on account of such county and paying the same into said general fund.

Section 4. This Act shall take effect upon its approval.

(Approved May 18, 1943, except as to the second, eleventh and last two items, which are vetoed.) **S.B. 56, Act 228.**

MISCELLANEOUS, TERRITORIAL.

[E-194] An Act to Amend Act 180 (Series E-216) of the Session Laws of Hawaii 1937, Relating to Salary of the Secretary of Hawaii and Making an Appropriation Therefor.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 1 of Act 180 (Series E-216) of the Session Laws of Hawaii 1937 is hereby amended to read as follows:

"Section 1. The treasurer of the Territory is hereby

ADDITIONAL COMPENSATION FOR EMPLOYEES.

SERIES E-194.—ACT 214]

SERIES E-195.—ACT 225]

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authorized and directed to pay to the secretary of Hawaii, upon warrants issued by the auditor of the Territory, a sum each month, which, together with the amount received by him as salary from the government of the United States, shall equal seven hundred twenty-five dollars (\$725.00) per month, it being the intention hereby to provide for the secretary of Hawaii an annual salary of eight thousand seven hundred dollars (\$8,700.00), which shall include such portion thereof as shall be payable to him by the government of the United States, and, in addition to any moneys appropriated therefor by the general appropriation Act, there is hereby appropriated from the general revenues of the Territory a sum sufficient to effectuate the purposes of this Act." [L. 1937, c. 180, s. 1; am. L. 1943, c. 214, s. 1.]

Section 2. This Act shall take effect on July 1, 1943.

(Approved May 15, 1943.) **H.B. 281, Act 214.**

[E-195] An Act Relating to Compensation of Employees of the Territory and Its Political Subdivisions, Providing for Additional Compensation for Territorial Employees, Making an Appropriation Therefor, and Authorizing the Political Subdivisions of the Territory and the Board of Water Supply, City and County of Honolulu, to Provide Additional Compensation for Certain Employees.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Definitions. For the purposes of this Act:

(a) "Base pay", means the amount of salary or wage actually earned for each month by each employee concerned, excluding overtime and perquisites mentioned in, or similar to those mentioned in, paragraph (2) of section 7 of Act 88 (Series A-5) of the Special Session Laws of Hawaii 1941, but including any other extra payments.

(b) "Employee" includes an officer, as well as an employee.

Section 2. Territorial employees. The employees of the Territory whose salaries or wages are fixed by or pursuant to Act 88 (Series A-5), or Act 83 (Series A-8), or Act 97 (Series A-10), of the Special Session Laws of Hawaii 1941, are hereby granted increases in such salaries and wages, to be determined from time to time in accordance with the following schedule (each item in the left-hand column representing any employee whose base pay, during the month concerned, was more than

the amount preceding such item in the same column and not more than the amount of such item, or less than the amount of such item, as the case may be), to-wit:

Base pay	Monthly Increase
Any amount not exceeding \$150.00.....	\$25.00
Any amount not exceeding 155.00.....	20.00
Any amount not exceeding 157.50.....	17.50
Any amount not exceeding 160.00.....	15.00
Any amount not exceeding 163.23.....	12.50
Any amount between \$165.00 and \$300.00....	10.00
Any amount between \$300.00 and \$416.67.....	5.00.

Provided, that whenever there is an increase in the base pay of any employee other than an increase pursuant to this Act, whether such increase is enjoyed through the grant of an annual increment or otherwise, the increase, if any, granted by this Act, shall be based upon the increased base pay.

Provided, further, that in the case of a part time employee, the increase granted by this Act shall be computed in accordance with his base pay in the territorial service, as set forth in the foregoing schedule, but in lieu of the increase therein set forth, he shall receive a pro-rated increase, calculated in accordance with the number of hours such part time employee devotes to the territorial service, as compared with full time employees the circumstances of whose employment most nearly resemble those of the part time employee concerned.

Section 3. County employees, etc. The board of supervisors of each county or city and county, and the board of water supply, city and county of Honolulu, are hereby authorized, but not required, to increase the compensation of the employees in the service of such county, city and county, or any independent board or commission thereof, whose compensation is fixed by or pursuant to any Act of the legislature, in accordance with the schedule and plan set forth in this Act for territorial employees, and for the period during which such increase continues in effect for territorial employees, provided, however, that there may be granted increases in lesser amounts than those set forth in said schedule but that any increase shall be for all employees within the scheduled classes in the same ratio as the increases set forth in said schedule, and that this section shall not be deemed to limit any authority to fix salaries or wages vested in such boards or commissions with respect to other employees.

Section 4. Termination of increase. Any increase granted by this Act may be terminated by the Governor, prior to the expiration of this Act, if he deems that the cost of living has been reduced sufficiently so that restoration of the base pay

will not work undue hardship on the employees concerned, or if he deems that the effect of such increase is to cause the salaries or wages of the employees concerned to exceed the prevailing rate of compensation in private employment for similar work, or if he deems that the revenues of the Territory do not warrant the continuation of such increase, or for other good and sufficient reasons.

Section 5. Appropriation. There is hereby appropriated from the general fund of the Territory, for the purpose of paying the increases to territorial employees granted by this Act, the sum of two million five hundred thousand dollars.

Section 6. The increases in compensation authorized to be paid under the terms of this Act shall not be paid to the employees receiving compensation under the terms of House Bills 2 and 7 of the legislature of Hawaii 1943, and the said House Bills shall cease to be effective June 30, 1945.

Section 7. Legislative intent. Nothing in this Act contained shall be deemed to affect the powers of the Governor under the Hawaii Defense Act, as amended.

Section 8. Effective period. This Act shall take effect May 1, 1943, and shall expire June 30, 1945.

(Approved May 17, 1943.) **H.B. 1, Act 225.**

[E-196] An Act to Authorize the Appointment of a Commission to Compile the Statute Laws of the Territory of Hawaii.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. A commission of three persons, to be designated as the compilation commission, is hereby constituted and authorized to compile all the statute laws of the Territory of Hawaii as they shall exist after the adjournment of this session of the legislature.

Section 2. In making such compilation, statutes obviously inconsistent with the Constitution of the United States or the Hawaiian Organic Act shall not be included, and of two or more statutes which are obviously repugnant to each other, the statute last enacted alone shall be included.

Section 3. Where two or more statutes or parts thereof overlap each other or substantially cover the same ground, the latter only shall be included.

Section 4. Where a statute is repugnant to the Consti-

tution of the United States or the Hawaiian Organic Act in part only, it may be modified so as to conform thereto.

Section 5. Where a statute refers to another statute which has been repealed, and a subsequent statute has been enacted covering the same subject matter as the repealed statute, the first named statute may be modified so as to refer to such new statute in place of such repealed statute.

Section 6. Mistakes of omission or erroneous reference to other statutes or other mistakes, obviously made through oversight or accident in the original statutes, may be corrected.

Section 7. Statutes may be modified so as to express the intention manifested in later statutes, either expressly or by clear implication; and, where any statute or part thereof is obviously obsolete or redundant, such statute or part thereof may be omitted.

Section 8. The compilation shall include a complete index, and, as a prefix, the Constitution of the United States and the Hawaiian Organic Act; notes expressing the substance of each section of said compilation; notes stating briefly the date of the original enactment of each section and of the last amendment thereof, if any, and where, if at all, the same is found in the last compilation; also citations of decisions, if any, published in the United States Supreme Court Reports, the Federal Reporter, the United States District Court for the Territory of Hawaii Reports, the Hawaiian Supreme Court Reports and the Opinions of the United States Attorney General, construing or relating to the subject matter of each section of the Hawaiian Organic Act or of the said compiled laws.

Section 9. Any departure or change in the letter of existing statutes made under the provisions of this Act, either by way of alteration or omission, shall be noted.

Section 10. The said compilation shall be printed and bound in one or two volumes and shall be presented by the commission to the legislature at its next regular session; provided, however, that when said compilation is completed the Secretary of the Territory shall cause such a number of copies thereof as to him may seem necessary to be printed and bound, which, when so printed and bound, may be furnished by him free of charge to government officials for official use, and may be sold by him at twenty-five dollars (\$25.00) a volume or set, as the case may be, for the benefit of the Territory. Provided, further, that in the event that it be found that the appropriation hereby made for such printing and binding shall be insufficient for such purpose, based upon such bids or estimates as the commission and/or Secretary of the Territory shall be able to obtain, the said compilation shall be

presented by the commission to the legislature at its next regular session, together with the estimates of printers, located within and without the Territory, as to the cost of printing the said compilation.

Section 11. The said commission may recommend, in a separate report, such changes, repeals or modifications of said laws, not herein authorized to be made in the said compilation, as it may deem advisable for the sake of clearness, consistency, brevity and efficiency.

Section 12. All the members of the said commission shall be attorneys admitted to practice in the Supreme Court of the Territory, who shall have resided in the Territory not less than three years immediately prior to their appointment, and no person shall be disqualified for membership on said commission or from receiving compensation therefor by reason of his being a judge, justice or other officer or employee of the Territory or any county or of the United States, or be disqualified from holding such office or employment by reason of being appointed such member. Such members shall be appointed and commissioned by the Governor by and with the advice and consent of the Senate.

Section 13. There is hereby appropriated for the purposes of this Act, the following sums for the following specific purposes:

Compensation to members of said	
commission	\$ 9,000.00
Clerical assistants, proof-reading, indexing,	
printing and miscellaneous expense....	24,800.00
Total	\$33,800.00

Section 14. This Act shall take effect upon its approval.

(Approved March 12, 1943.) **H.B. 32, Act 8.**

[E-197] An Act Providing for Legislative Holdover Committees.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Two legislative holdover committees are hereby created, one of which shall be composed of seven members of the Senate and shall be known as the "Senate 1943 Holdover Committee" and the other of which shall be composed of seven members of the House of Representatives and shall be known as the "House 1943 Holdover Committee". The members of

such committees shall be appointed by the President of the Senate, as to the Senate committee, and the Speaker of the House of Representatives, as to the House committee. In each of said committees, four of said seven members shall be from the third senatorial district and one each from the first, second and fourth senatorial districts. A majority of the members of each committee shall constitute a quorum for such committee.

Section 2. It shall be the duty of each of said committees to:

(a) Collect information concerning the government and general welfare of the Territory and its various political subdivisions;

(b) Examine the effect of previously enacted statutes and the probable effects of proposals for enactment;

(c) Investigate and study the organization, methods and operations of the territorial government and the county governments and any public or semi-public office, board, commission, department, bureau or other agency created, authorized, required or supported in whole or in part by the provisions of the Organic Act or any enactment of the territorial legislature;

(d) Conduct research in the field of government toward the end of comparing and improving legislation, legislative processes, legislative enforcement, and public administration generally;

(e) Cooperate with the administrative officials in devising means of enforcing the law and improving the effectiveness of administrative methods;

(f) Compile and disseminate such factual information as it may deem advisable to produce a better public understanding of governmental affairs in the Territory;

(g) Prepare and recommend such legislative measures as it may deem advisable at the subsequent session of the legislature;

(h) Perform such other acts as may be authorized or directed by the territorial legislature or by either house thereof.

Section 3. Each of said committees may employ such assistants as it may deem desirable, who shall not be subject to the territorial civil service law, but shall have their compensation fixed by the respective committees in accordance with the compensation schedules of the territorial classification law. The committees may request persons not members of the committees or of the legislature to participate in the work of the committees, and advise the committees with relation to their activities.

Section 4. Each officer, board, commission, department,

bureau or other agency of, or partly supported by, the territorial government or any local government shall make such studies and reports thereon, as may be requested in writing by either holdover committee.

Section 5. In the discharge of any duty herein imposed, each of said committees shall have the authority through its designated members or subordinates to administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony, and to cause the deposition of witnesses, either residing within or without the Territory, to be taken in the manner prescribed by law for taking depositions in civil actions in the circuit courts. In case of disobedience on the part of any person to comply with any subpoena issued in behalf of such committee, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, it shall be the duty of the circuit court of any circuit, or of the judge thereof, on application of a designated member of such committee, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein. Every witness who appears before such committee by its order, other than an officer or employee of the Territory or any political subdivision thereof, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record, and such fees and mileage shall be audited and paid from the appropriation herein made for such committee upon the presentation of proper vouchers sworn to by such witness and approved by the chairman of such committee.

Section 6. Promptly upon the adjournment sine die of the legislature at this session, the two committees created by this Act shall hold a joint meeting for the purpose of discussing policies, the method and extent of cooperation between the two committees, and the division between them of subjects for investigation and action, to the end that the fullest and best results may be obtained without confusion, overlapping, or wasted effort.

Section 7. The members of said committees shall receive their actual traveling and hotel expenses incurred by them in attending committee meetings and in the performance of any individual duty required of them by their respective committees.

Section 8. In order to finance the provisions of this Act, there is hereby appropriated to each of said committees from the general fund of the Territory, in addition to any other available appropriations, the sum of twenty thousand dollars

(\$20,000.00) for the period from the effective date of this Act to June 30, 1945.

Section 9. This Act shall take effect upon its approval.

(Approved May 12, 1943.) **S.B. 197, Act 179.**

[E-198] An Act to Permit Voting by Absentees for the Office of Senator From the First Senatorial District for the Special Election to Be Held on February 27, 1943, and Temporarily Suspending Certain Portions of Section 7695 of the Revised Laws of Hawaii 1935, as Amended.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. The secretary of the Territory, upon application by any duly registered voter of the county of Hawaii who will be absent from said county on February 27, 1943, and who presents himself in person at the office of said secretary in Iolani Palace, Honolulu, Oahu, shall place in an envelope a ballot for the special election for senator from the first senatorial district, to be held on February 27, 1943. Such envelope shall be folded so as to conceal the names of the candidates thereon. The voter shall thereupon, in the usual manner provided by law and in a place apart from any person, mark his ballot, place it in the envelope, seal the same, and sign his name thereon as proof that he has voted and deliver the envelope to the secretary of the Territory who shall forward such ballot to the county clerk of the county of Hawaii. Said county clerk shall, not later than 5:00 p.m. of the day of said special election, deliver the envelope to the inspectors of election of the precinct where the voter concerned is registered. Said vote shall then be cast in the manner provided by sub-section 4 of section 7695, as amended, of the Revised Laws of Hawaii 1935. The privilege of absentee voting under this Act may be exercised only during the period from the effective date of this Act up to 4:00 p.m. February 25, 1943, and not thereafter.

Section 2. For the purpose of said special election only, the provisions of the last twenty lines of sub-section 2 of section 7695 of the Revised Laws of Hawaii 1935, as amended by Act 16, Series D-154, Session Laws of Hawaii 1935, shall be suspended and superseded by this Act.

Section 3. This Act shall take effect upon its approval.

(Approved February 22, 1943.) **S.B. 12, Act 3.**

[E-199] An Act Providing for Deferring Collections of
Income Taxes From Persons in the Military Service.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. The collection from any person in the military service of any tax on the income of such person, whether falling due prior to or during his period of military service (which term, as used in this Act, shall have the same meaning as in Act 72 of the Special Session Laws of Hawaii 1941), shall be deferred for a period extending not more than six months after the termination of his period of military service if such person's ability to pay such tax is materially impaired by reason of such service. No interest on any amount of tax, collection of which is deferred for any period under this section, and no penalty for nonpayment of such amount during such period, shall accrue for such period of deferment by reason of such nonpayment. The running of any statute of limitations against the collection of such tax by distraint or otherwise shall be suspended for the period of military service of any individual the collection of whose tax is deferred under this section, and for an additional period of nine months beginning with the day following the period of military service.

Section 2. This Act shall take effect upon its approval.

(Approved May 7, 1943.) **S.B. 72, Act 138.**

[E-200] An Act to Permit During the Emergency
Period the Taking of Fish, for Home Consumption Only,
by Means of Net Operated Entirely by Hand and With-
out the Use of Boats.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Notwithstanding anything in section 375 of the Revised Laws of Hawaii 1935 or any other law to the contrary, it shall be lawful, during the period of the present war and until six months after the signing of such armistice as finally terminates hostilities with the empire of Japan, for citizens to take, for home consumption only and not for purposes of sale, any fish with a net or seine having a mesh or opening of not less than one and one-half inches stretched measure, whether or not such net or seine is dragged into shore, but only if such net or seine is operated solely by hand and without the use of a boat.

Should any person sell or offer for sale any fish so taken,

he shall, upon conviction, be subject to the same penalties prescribed by section 377 of said Revised Laws.

Section 2. This Act shall take effect upon its approval.

(Approved May 12, 1943.) **H.B. 335, Act 163.**

[E-201] An Act to Authorize the Commissioners of Public Instruction to Write Off Certain Accounts of the Lahainaluna High School.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. The board of commissioners of public instruction and the auditor are authorized to remove, delete and write off from the charge accounts and records of the Lahainaluna High School the following accounts, in accordance with the action heretofore proposed by said commissioners, all of which accounts were incurred or approved prior to November 1, 1941, namely:

R. Haruguchi, Secretary of the School.....	\$ 447.45
Harry Seebart, Pioneer Mill, Lahaina.....	352.28
Robert Crawford, Ewa, Oahu.....	86.53
Frank Murphy, Makawao, Maui.....	461.20

Total	\$1,347.46
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Upon the certification of the commissioners of public instruction that each of the accounts herein mentioned has been cancelled, the field auditors of the Territorial Auditing Department, shall delete such items from accounts receivable by the Lahainaluna High School.

Section 2. This Act shall take effect upon its approval.

(Approved April 16, 1943.) **H.B. 165, Act 32.**

[E-202] An Act to Authorize the Board of Regents, University of Hawaii, to Acquire Certain Permanent Improvements From Funds Accrued Through Rental of Buildings on the University Campus, or Other Available Funds, or Both.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. The board of regents, University of Hawaii, is hereby authorized to enter into an agreement with the trustees

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SERIES E-202.—ACT 55]
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of Punahou School whereby said trustees will construct a building or buildings on the University campus, and the board of regents will agree to purchase the same by installment or other payments to be made from funds received and to be received by the University for rental of buildings to said trustees of Punahou School, or from any other available funds of the University, or both; provided, that any amount so agreed to be paid by said board shall not exceed seventy-five thousand dollars (\$75,000.00) in the aggregate.

Any contract entered into pursuant to this Act shall not be subject to the requirements of any of sections 80, 81 and 82 of the Revised Laws of Hawaii 1935.

Section 2. This Act shall take effect upon its approval.

(Approved April 24, 1943.) **S.B. 228, Act 55.**

[E-203] An Act to Amend Act 113 of the Session Laws of Hawaii 1941, Relating to Temporary Waiver of Age Retirement Requirements of Members of the Employees' Retirement System of the Territory.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Act 113 of the Session Laws of Hawaii 1941, is hereby amended by changing the date "1943", at the end of section 1 thereof, to read "1945".

Section 2. This Act shall take effect upon its approval.

(Approved April 27, 1943.) **S.B. 76, Act 66.**

**PART 2. SPECIAL AS TO LOCALE.
CITY AND COUNTY OF HONOLULU.**

[E-204] An Act Providing for the Advancement of Moneys to the City and County of Honolulu for Refuse Incinerators, and for the Repayment of Such Advancement.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. There is hereby appropriated from the general revenues of the Territory, not otherwise appropriated, the sum of three hundred fifty-nine thousand dollars (\$359,000.00) which shall be paid by the treasurer, upon a warrant issued by the auditor, to the treasurer of the city and county of Honolulu.

Section 2. Said sum shall constitute an advance from the Ter-

ritory to said city and county, to be used, together with grants from the United States of America, for the construction of two refuse incinerators on the island of Oahu.

Section 3. The territorial treasurer shall, over the year 1943, retain from personal property tax moneys payable to the city and county of Honolulu such amounts as will total the amount of the foregoing appropriation.

Section 4. This Act shall take effect upon its approval.

(Approved April 9, 1943.) **S.B. 206, Act 30.**

[E-205] An Act Authorizing the City and County to Provide for Medical Attention and Hospitalization for Reserve Police Officers or Volunteer Firemen or Authorized Emergency Volunteers Injured in the Performance of Duty.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. During the present emergency, whenever any reserve police officer of the police department or volunteer fireman of the fire department of the City and County of Honolulu, or any emergency volunteer assisting in the performance of a function carried on by the government of the City and County of Honolulu, who has been duly authorized or directed to act as such reserve police officer, volunteer fireman or emergency volunteer by an authorized officer or agent of the City and County of Honolulu, receives personal injury by accident arising out of and in the performance of his duty as such reserve police officer, volunteer fireman or emergency volunteer, the board of supervisors of the City and County of Honolulu is authorized to provide and furnish such medical, surgical and hospital services and supplies as the nature of the injury may require.

Section 2. The medical, surgical and hospital care of such reserve police officers, volunteer firemen or emergency volunteers under the foregoing section, shall be in the control and management of the city and county physician, and all charges for such medical, surgical and hospital services and supplies shall be incurred by or under the direction of the city and county physician.

Section 3. This Act shall take effect upon its approval.

(Approved May 4, 1943.) **H.B. 25, Act 119.**

[E-206] An Act Directing the Board of Supervisors of the City and County of Honolulu to Acquire Certain Property as an Addition to the Police Station and District Court of Honolulu, and Providing Means of Raising the Necessary Funds Therefor.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. The Board of Supervisors of the City and County of Honolulu is hereby directed to acquire, with all feasible speed, either by purchase or condemnation, those certain parcels of land described in the real property tax maps of the Territory of Hawaii as parcels numbered 26, 27 and 28 of zone 2, section 1, plat 02, of the first taxation division, as an addition to the present police station and district court of Honolulu. Any amount of money necessary for so acquiring any of said parcels shall be raised by the city and county during either or both of the two years following the acquisition of such parcel, by including such amount in the city and county budget submitted pursuant to section 1921 of the Revised Laws of Hawaii 1935, as amended, and thereupon the same shall be included in the real property tax rate for such year or years; and, any provision of said section 1921 or of any other law to the contrary notwithstanding, the real property tax rate limit for such year or years for said city and county shall be and hereby is increased over and above that fixed by said section or otherwise fixed by law, by such amount as shall be included for the purposes of this Act in such budget for such year or years.

Section 2. This Act shall take effect upon its approval.

(Approved May 15, 1943.) **H.B. 263, Act 206.**

[E-207] An Act to Require the Park Board, City and County of Honolulu, to Repair the Existing Tennis Courts and Construct New Tennis Courts at Kapiolani Park and Kalakaua Park in the City and County of Honolulu.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. The park board, city and county of Honolulu, is hereby authorized and directed to repair the existing tennis courts, and to construct two additional tennis courts, at Kapiolani Park in the city and county of Honolulu.

Section 2. The park board, city and county of Honolulu, is hereby authorized and directed to repair the existing tennis court, at Kalakaua Park in the city and county of Honolulu.

Section 3. This Act shall take effect upon its approval.

(Approved April 16, 1943.) **S.B. 167, Act 33.**

[E-208] An Act Appropriating the Sum of Four Thousand Four Hundred Sixty-seven Dollars and Sixty-six Cents (\$4,467.66) to Reimburse the City and County of Honolulu for the Cost of Paving Certain Portions of Streets and the Construction of Sewers in Improvement Districts Nos. 10 and 45 and Improvement Districts Nos. 36 and 45.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. The sum of four thousand four hundred sixty-seven dollars and sixty-six cents (\$4,467.66) is hereby appropriated out of the general revenues of the Territory of Hawaii for the purpose of reimbursing the City and County of Honolulu for payments made by it on assessments for street improvements on streets in Improvement Districts Nos. 10 (Lot 446-A, Kaimuki Tract-Date Street Extension) and 45 (Lots 35 and 36, Palolo Belt Road) and assessments for sewer improvements in Improvement Districts Nos. 36 (Lots 411, 412 and 413, Palolo Sewers) and 45 (Lot 2, Palolo Sewer Extension), such payments having been made under section 3183, Revised Laws of Hawaii 1935.

Section 2. The said sum of four thousand four hundred sixty-seven dollars and sixty-six cents (\$4,467.66) shall be paid to the treasurer of the City and County of Honolulu by warrants drawn by the auditor of the Territory of Hawaii.

Section 3. The treasurer of the City and County of Honolulu is hereby authorized and directed to cancel and remove from his books all outstanding assessments against Lots Nos. 1172-B, 1172-C and 1172-D of Improvement District No. 10, and all outstanding penalties and interest with respect to all of the above mentioned lots.

Section 4. This Act shall take effect upon its approval.

(Approved April 26, 1943.) **H.B. 35, Act 60.**

[E-209] An Act Providing for the Relief of Ben Hollinger and Authorizing and Directing the Board of Supervisors of the City and County of Honolulu to Appropriate Sufficient Moneys to Pay the Same.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. The board of supervisors of the city and county of Honolulu is hereby authorized and directed to appropriate and cause to be paid to Ben Hollinger, out of the general fund of said city and county, the sum of four hundred eighteen dollars (\$418.00) for services rendered as first deputy probation officer, first circuit court, October 9 to November 30, 1940.

Section 2. This Act shall take effect upon its approval.

(Approved March 30, 1943.) **S.B. 63, Act 19.**

[E-210] An Act for the Relief of Adelaide Carreira, Bella G. Macy and Gladys C. Pang.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. The Board of Supervisors of the City and County of Honolulu are hereby authorized and empowered to pay to Mrs. Adelaide Carreira, widow of John Carreira, Mrs. Bella G. Macy, widow of Thomas S. Macy and Mrs. Gladys C. Pang, widow of Harry T. L. Pang, the sum of two thousand dollars (\$2,000.00) each in view of the fact that their husbands were killed in action on December 7, 1941, when responding to a fire call at Hickam Field while Hickam Field was under enemy attack.

Section 2. This Act shall take effect upon its approval.

(Approved April 8, 1943.) **H.B. 28, Act 28.**

[E-211] An Act Providing Restoration of the Ten Per Cent Pension Reduction to Manuel Smith.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. The Board of Trustees of the Pension Fund for policemen, firemen and bandsmen of the City and County of Honolulu is hereby authorized and directed to pay the sum of four hundred sixty dollars (\$460.00) to Manuel Smith for pension due him from January 1, 1936, to October 31, 1939, inclusive.

Section 2. The controller of the City and County of Honolulu is hereby authorized and directed to approve the proper voucher for this amount and forward same to the city and county auditor for payment.

Section 3. This Act shall take effect upon its approval.

(Approved April 20, 1943.) **H.B. 88, Act 45.**

HAWAII COUNTY.

[E-212] An Act Permitting Certain Expenditures by the Managing Committees of Hilo Memorial Hospital and Puumaile Home.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Notwithstanding the provisions of that portion of chapter 86 of the Revised Laws of Hawaii 1935, as amended, under the subtitle "Bureau of purchases and supplies in the county of Hawaii", as the same was enacted in Act 65 of the Special Session Laws of Hawaii 1941, or as the same may be amended, the managing committee of Hilo Memorial Hospital and the managing committee of Puumaile Home, respectively, shall be, and each is hereby authorized to make purchases of supplies and materials in an amount not to exceed five hundred dollars (\$500.00) per month provided that a copy of all requisitions for such purchases shall be filed forthwith with the purchasing agent of said county.

Section 2. This Act shall take effect upon its approval, and shall cease to be in effect six months after the president of the United States shall have proclaimed the termination of the present war.

(Approved May 6, 1943.) **S.B. 142, Act 134.**

[E-213] An Act Making Appropriations by Way of Advancement From the General Fund of the Territory to Be Repaid Out of the Proceeds of Sale of Public Lands in the County of Hawaii for the Construction of Certain Homestead Roads, and Other Various Roads and Street Improvements in the County of Hawaii:

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. The sum of one hundred fifty thousand dollars (\$150,000.00), or so much thereof as may be necessary, is hereby

appropriated by way of advancement out of the general fund of the Territory of Hawaii, not otherwise appropriated, for the construction of certain homestead roads, and other various roads and street improvements in the county of Hawaii:

1. Waiakea Homestead Road (South Hilo)
 - (a) From Lot 1612 towards Lot 3, Section C...\$ 4,000.00
 - (b) From Lot 1109 towards Lot 921, Section C.. 2,000.00
2. Extension of Mohouli Street and branch streets running North in proposed subdivision..... 14,000.00
3. Waikaumalo Homestead Road (North Hilo) from end of gravel road in Lot 13-14 towards Lot 9-10.. 4,000.00
4. Papaaloa Homestead Road (North Hilo) from Lot 63 running Northeast towards Lot 13..... 16,000.00
5. Manowaiopae Homestead Road (North Hilo) from Lot 83 towards Lot 75..... 5,000.00
6. Kaapahu Homestead Road (Hamakua) from Lot 1-A towards Lot 10..... 4,000.00
7. Kalopa Homestead Road (Hamakua) from Lot 72 towards Lot 75..... 4,000.00
8. Ahualoa Homestead Road (Hamakua)
 - (a) From end of paved road on the West side of Ahualoa School towards Lot 24, 1st Series.. 4,500.00
 - (b) From Lot 2, 1st Series towards Lot 15, 3rd Series 7,000.00
9. Kaaunuhu Homestead Road (North Kohala) towards Kennersly Road..... 28,000.00
10. Wood Valley Homestead Road (Kau) from end of paved road at Lot 18 towards end of paved road at Lot 11-A 4,500.00
11. Olaa Summer Lots Road (Puna)—Wright Road from Volcano Road to Kilauea Road then South along Kilauea Road..... 10,000.00
12. Olaa Reservation Lots Road (Puna)
 - (a) From Northeast corner of Lot 322 towards Lot 330 3,000.00
 - (b) From Northeast corner of Lot 322 towards Lot 243 4,000.00
 - (c) From Lot 172 towards and along Lot 21 Olaa New Tract Lots..... 4,000.00
 - (d) 12 miles Olaa Homestead Roads, from a point beginning at Lot 46, towards the junction of Lot 63, thence to the junction of Lot 74, then to the end of Lot 76..... 5,000.00

- (e) From a point beginning at the end of the paved road at Lot 72, Grant 5146 towards Lot 94, Grant 6746, Kaapahu Homesteads, at Hamakua..... 4,000.00
13. Kaiwiki Homestead Road (South Hilo) from a point at or near Lot 45 towards Lot 68..... 4,000.00
14. Piihonua House Lot Road Series 2. (South Hilo) Extension of Wailuku Drive from Kaahumanu Street running mauka to Peepee Falls Drive and along Peepee Falls Drive towards Waianuenue Avenue 10,000.00
15. Kaieie Homestead Road (South Hilo) from Lot 10 towards Lot 6..... 2,000.00
16. Kauniho-Lepoloa Homestead Road (North Hilo) from Lot 6 towards Lot 17..... 5,000.00
17. Beginning at the intersection of Opelo and Koho-kohau Roads, as shown on H.T.S. Plat 405-A and running in a northerly direction 300 feet more or less along Opelo Road to its junction with Lihipali Road; thence in a northeasterly direction 480 feet more or less along Lihipali Road adjoining Lot 1, Block 12 of Waimea Homesteads and continuing in a northeasterly direction 150 feet more or less along Lihipali Road along portion of Lot 2, Block 12 of said Waimea Homesteads..... 2,000.00.

Section 2. The said appropriations shall be disbursed on warrants of the territorial auditor based upon vouchers approved by the commissioner of public lands, who shall construct said projects by contract with or through the county of Hawaii.

Section 3. The moneys hereby appropriated shall be deemed to be an advancement out of the general fund of the Territory of Hawaii, said fund to be reimbursed from the proceeds of the sale of public lands on the island of Hawaii.

Section 4. This Act shall take effect upon its approval.

(Approved May 19, 1943.) **H.B. 184, Act 230.**

[E-214] An Act Authorizing and Directing the Board of Supervisors of the County of Hawaii to Appropriate \$1500.00 for the Extension of, and to Extend, a Pipe Line in the Kiolokaa-Keaa Homesteads, District of Kau, County of Hawaii, and Repealing Act 27 of the Session Laws of Hawaii 1939.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. The board of supervisors of the county of Hawaii is hereby authorized and directed to appropriate the sum of \$1500.00 from its general fund for the extension of, and to extend, the pipe line along the road to the southern boundary of Lot 9-D in Kiolokaa-Keaa homesteads, district of Kau, county of Hawaii.

Section 2. Act 27 (Series E-234) of the Session Laws of Hawaii 1939 is hereby repealed.

Section 3. This Act shall take effect upon its approval.

(Approved March 30, 1943.) **H.B. 112, Act 20.**

[E-215] An Act Authorizing and Directing the Board of Supervisors of the County of Hawaii to Appropriate \$4,500.00 to Widen the Junction of Polulu Valley Road with Niulii Road and to Reconstruct and Pave a Section of Road, Approximately 1500 Feet, Extending from Niulii Stream Towards and Thence Along the Polulu Valley Road, District of North Kohala, County of Hawaii.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. The board of supervisors of the county of Hawaii is hereby authorized and directed to appropriate the sum of four thousand five hundred dollars (\$4,500.00) for the purpose of widening the junction of Polulu Valley road with Niulii road, and to reconstruct and pave a section of road, approximately 1500 feet, extending from Niulii Stream towards and thence along Polulu Valley road, district of North Kohala, county of Hawaii. Said work shall be done by the county engineer on plans and specifications approved by him.

Section 2. This Act shall take effect upon its approval.

(Approved April 29, 1943.) **H.B. 131, Act 82.**

[E-216] An Act to Amend Act 206 of the Session Laws of Hawaii 1941, by Increasing the Appropriation for the Wall Described Therein.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Act 206 (Series E-315) of the Session Laws of Hawaii 1941 is hereby amended by substituting for the words and figures "three thousand dollars (\$3,000.00)" in the second line thereof the words and figures "four thousand five hundred dollars (\$4,500.00)".

Section 2. This Act shall take effect upon its approval.

(Approved April 28, 1943.) **H.B. 204, Act 79.**

[E-217] An Act Authorizing and Directing the Board of Supervisors of the County of Hawaii to Pay \$100.00 to Manuel M. Perreira for Loss of His Automobile on County Business.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. The board of supervisors of the County of Hawaii is hereby authorized and directed to appropriate and pay to Manuel Marcellino Perreira the sum of \$100.00 as reimbursement in full, to be so receipted for, for the loss of his automobile in an accident while he was using it on ordered official county business.

Section 2. This Act shall take effect upon its approval.

(Approved April 21, 1943.) **H.B. 98, Act 51.**

[E-218] An Act for the Relief of Certain Persons and Business Organizations Who Furnished Supplies to the County of Hawaii.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. The board of supervisors of the county of Hawaii is hereby authorized and directed to pay, for supplies furnished said county, to the following persons and business organizations the amounts herein set opposite their names:

NAME	AMOUNT
Charles R. Frazier, Jr.....	\$ 81.20
Standard Oil Company of California.....	1,135.97
Hakalau Plantation Co. Store.....	31.46
Pahoa Garage	19.66
I. Motonaga Garage.....	21.18
Hawi Service Station.....	107.63
Hilo Motors Ltd.....	5.85
Chock Inn Store.....	20.77
H. C. Young.....	2.75
James H. Luke, Dr.....	5.26
Keaau Service Station.....	44.63
Capt. Cook Coffee Company.....	331.55
Kohala Sugar Company.....	4,337.80

Section 2. This Act shall take effect upon its approval.

(Approved May 17, 1943.) S.B. 160, Act 221.

[E-219] An Act to Amend Certain Items for Which Territorial Appropriations Have Previously Been Made for the County of Hawaii.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Act 305 (Series E-314) of the Session Laws of Hawaii 1941, is hereby amended, by substituting for the word "to" in item numbered 14 of section 1 thereof the word "toward".

Section 2. Act 54 (Series E-85) of the Special Session Laws of Hawaii 1941, is hereby amended, by amending items numbered 8 and 10 of section 6 thereof to read as follows:

"8. Extension of Banyan Drive from Lot 20, running toward Pier 3, Ocean View lease lots, S. Hilo (provided, that no expenditure shall be made on this item until after September 1, 1943, and if at such time the area involved has not been taken over to the use of the United States government or any of its branches, then construction of this item shall forthwith proceed; if upon said date the area has been so taken over, then the moneys by this item appropriated shall immediately become available for the construction of curbs in the Waiakea Houselots Tract)..... 7,500.00

- "10. Construction of sidewalks along the mauka side of Kalanianaʻole Street, beginning at the railway tracks opposite the Pacific Guano and Fertilizer Company Warehouse, and running toward the lands of Honohono. 6,500.00"

Section 3. This Act shall take effect upon its approval.

(Approved May 13, 1943.) **H.B. 287, Act 190.**

[E-220] An Act Repealing the Mandate of Expenditure of Certain Funds by the County of Hawaii, and Amending Acts 29 and 54 of the Special Session Laws of Hawaii 1941.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Act 29 of the Special Session Laws of Hawaii 1941, is hereby amended by amending section 5 thereof in the following particulars:

(1) In line four of said section, substitute for "1 to 3, inclusive", "1 and 2".

(2) Delete item 3, being the last four lines of said section.

Section 2. The amounts heretofore deposited in a special fund for said item 3 of said section 5 of said Act 29 shall be transferred to the general fund of the county of Hawaii.

Section 3. Act 54 of the Special Session Laws of Hawaii 1941, is hereby amended by repealing item 2 of section 6 thereof reading:

"2. For the surfacing of the Papaikou-

Pepeekeo Road. 28,600.00",
and said sum of twenty-eight thousand and six hundred dollars (\$28,600.00) shall be transferred to the general fund of the county of Hawaii.

Section 4. This Act shall take effect upon its approval.

(Approved May 13, 1943.) **S.B. 279, Act 189.**

[E-221] An Act Relating to Notaries Public Now Commissioned and Licensed to Perform the Duties of a Notary Public in the Fourth Judicial Circuit of County of Hawaii.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Commissions of Notaries: When and if the cir-

cuit courts of the third and fourth judicial circuits shall be consolidated into one court to be designated the "Circuit Court of the Third Judicial Circuit" the attorney general of Hawaii shall forthwith issue new commissions to all notaries public who, at that time, are duly commissioned and licensed to act as notaries public in and for the fourth circuit, in the county of Hawaii.

Section 2. Licenses of Notaries: When and if the circuit courts of the third and fourth judicial circuits shall be consolidated as aforesaid all notaries public who are then duly commissioned and licensed to act as such in the fourth circuit, County of Hawaii, shall forthwith deliver up to the County Treasurer of the County of Hawaii, the licenses issued to them for the current fiscal year and the said Treasurer shall then forthwith issue to the said notaries new licenses for the balance of the current fiscal year as notaries public in and for the third circuit, which new licenses shall be issued without charge to the said notaries.

Section 3. This Act shall take effect when and if the circuit courts of the third and fourth circuits shall be consolidated by legislation duly enacted for that purpose.

(Approved May 11, 1943.) **S.B. 282, Act 154.**

KAUAI COUNTY.

[E-222] An Act Directing the Board of Supervisors of the County of Kauai to Reimburse the Circuit Court of the Fifth Judicial Circuit in the Sum of Eleven Thousand Eight Hundred Eight and Eight One-hundredths Dollars (\$11,808.08), for Certain Losses Sustained by it in Small Estates and Small Guardianships Through Defalcations by the Former Court Clerk.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. The board of supervisors of the County of Kauai is hereby authorized and directed to appropriate the sum of eleven thousand eight hundred eight and eight one-hundredths dollars (\$11,808.08) and to pay the same over to the clerk of the circuit court of the fifth judicial circuit, Territory of Hawaii, on account of losses sustained by said circuit court in small estates and small guardianships through defalcations by the former clerk, while under administration in said court.

Section 2. The said amount of eleven thousand eight hundred eight and eight one-hundredths dollars (\$11,808.08) shall be ascertained and certified to by the auditor of the County of Kauai whose decision shall be final.

Section 3. The County of Kauai is hereby subrogated to all the rights of each estate or guardianship so reimbursed against Jennie D. Schumacher and her property, and all amounts recovered on her bond as clerk of the circuit court of the fifth circuit, and from the employees' retirement system through garnishment proceedings, are hereby declared to be, and appropriated as, realizations of the County of Kauai.

Section 4. This Act shall take effect upon its approval.

(Approved April 30, 1943.) **H.B. 188, Act 87.**

[E-223] An Act Authorizing and Directing the Auditor of the County of Kauai to Issue a Warrant in Favor of Lena Gardner Peters, Widow of Henry Peters, Deceased, Covering Pension Payable to Said Deceased Prior to His Death.

WHEREAS, Henry Peters was, prior to his death, entitled to a pension at the rate of \$30.00 per month, payable from the pension fund of the county of Kauai; and

WHEREAS, a warrant in favor of said deceased was issued for the sum of \$120.00 covering the period of four months immediately prior to his death, now therefore

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. That the auditor of the county of Kauai be and he is hereby authorized and directed to issue a warrant in favor of Lena Gardner Peters, widow of said deceased, for the said sum of \$120.00, the same to be delivered to her upon the return to him of the warrant issued in favor of said deceased for cancellation.

Section 2. The clerk of the circuit court of the fifth judicial circuit is hereby authorized and directed to deliver the warrant mentioned in the recital clause to the said auditor, should the same now be in the possession of said clerk.

Section 3. This Act shall take effect upon its approval.

(Approved April 16, 1943.) **S.B. 212, Act 34.**

[E-224] An Act Providing for the Permanent Maintenance and Upkeep of the Kuhio Memorial Park, Koloa, Kauai, in Memory of the Late Prince Jonah Kuhio Kalanianaʻole.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. There is hereby appropriated from the general revenues of the Territory of Hawaii the sum of one hundred dollars (\$100.00) per month to be expended under the supervision of the superintendent of public works of the Territory of Hawaii for the maintenance and upkeep of the Kuhio Memorial Park, Koloa, Kauai, in memory of the late Prince Jonah Kuhio Kalanianaʻole.

Section 2. The monthly sum hereby appropriated shall be paid to Kaumualii Chapter No. 3, Order of Kamehameha, which is now operating and maintaining said park and so long as it shall continue to operate and maintain the same.

Section 3. All expenditure of such appropriation shall be made upon vouchers approved by said superintendent of public works, and the auditor of the Territory of Hawaii is hereby authorized and directed to draw warrants against such appropriation with such approval.

Section 4. This Act shall take effect on July 1, 1943.

(Approved May 17, 1943.) **S.B. 31, Act 224.**

[E-225] An Act to Reimburse the County of Kauai for Expenditures for Repairs to the Retaining Wall at Wai-meia River.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. The sum of one thousand seven hundred eighty-six dollars and forty cents (\$1,786.40) is hereby appropriated from the general revenues of the Territory to reimburse the county of Kauai for expenditures for repairs to the retaining wall at Wai-meia River.

Section 2. Said sum shall be expended upon a warrant upon the territorial treasurer, issued by the territorial auditor, payable to the treasurer of the county of Kauai.

Section 3. This Act shall take effect upon its approval.

(Approved May 6, 1943.) **S.B. 215, Act 136.**

[E-226] An Act Providing for Flood Control at Waimea, Kauai, and Making an Appropriation Therefor.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. There is hereby appropriated from the general revenues of the Territory, not otherwise appropriated, the sum of nineteen thousand five hundred dollars (\$19,500.00) for flood control at Waimea, Kauai, which sum or so much thereof as may be necessary, shall be allocated and used as follows:

Clearing channel	\$ 7,000.00
Removing ford if required.....	500.00
Remove old bridge approach.....	1,500.00
Kealii ditch	7,800.00
Automatic flood gates.....	2,700.00
	<hr/>
	\$19,500.00

Section 2. Said moneys shall be expended upon warrants drawn upon the treasurer of the Territory by the auditor upon vouchers signed by the superintendent of public works.

Section 3. This Act shall take effect upon its approval.

(Approved May 6, 1943.) S.B. 210, Act 135.

MAUI COUNTY.

[E-227] An Act Making an Appropriation for the Lahainaluna Boarding School.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. There is hereby appropriated from the general revenues of the Territory of Hawaii, the sum of thirty-one thousand five hundred dollars (\$31,500.00) for the Lahainaluna Boarding School to be expended as follows:

- Twenty-five thousand dollars (\$25,000.00) for the support of said school;
- Three thousand dollars (\$3,000.00) for structures and permanent improvements;
- Nine hundred dollars (\$900.00) for foundation livestock; and
- Two thousand, six hundred dollars (\$2,600.00) for equipment.

Section 2. This Act shall take effect upon its approval.

(Approved April 21, 1943.) H.B. 147, Act 52.

[E-228] An Act Making an Appropriation by Way of Advancement from the General Fund of the Territory to be Repaid Out of the Proceeds of Sale of Public Lands in the County of Maui for the Construction of Roads and a Domestic Water System in Connection With the Wahi-kuli House Lots Tract in the County of Maui.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. The sum of \$20,000.00, or so much thereof as may be necessary, is hereby appropriated by way of advancement out of the territorial general fund, and to be reimbursed from the proceeds of the sales of public lands in the County of Maui, for the construction of roads in and leading to the Wahi-kuli House Lots Tract in the County of Maui, and for the construction in said tract of a domestic water system.

Said funds shall be disbursed on warrants of the territorial auditor based upon vouchers approved by the commissioner of public lands, who shall construct said projects by contract with or through the County of Maui.

Section 2. This Act shall take effect upon its approval.

(Approved April 26, 1943.) **H.B. 343, Act 61.**

[E-229] An Act to Provide for the Acquisition of Lands for Vocational School Purposes in the County of Maui and Making an Appropriation Therefor.

Be It Enacted By the Legislature of the Territory of Hawaii:

Section 1. There is hereby appropriated from the general revenues of the Territory of Hawaii, not otherwise appropriated, the sum of two thousand dollars (\$2,000.00) for the acquisition of twenty (20) acres of land below the Henry Perrine Baldwin High School on Maui for the site for a vocational school.

Section 2. The sum appropriated in section 1 hereof shall be expended upon a warrant drawn by the auditor upon a voucher signed by the commissioner of public lands.

Section 3. This Act shall take effect upon its approval.

(Approved April 28, 1943.) **H.B. 187, Act 72.**

JOINT RESOLUTIONS.**J.R. 1.**

Joint Resolution Relating to the More Effective Utilization of Time During the Present Emergency by Providing for Daylight Saving Time and for the Suspension of Sections 21 and 6211 of the Revised Laws of Hawaii 1935, Which Relate to Sundays and Holidays.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. (a) "War time" as used in this section means daylight saving time, established by advancing Hawaiian standard time one hour, provided, however, that the governor may establish as daylight saving time for the Territory an advance of more than an hour or less than an hour.

(b) War time shall continue in effect throughout the Territory so long as war time remains in effect in the continental United States, unless the governor shall fix an earlier date for the termination thereof in the Territory, or shall suspend daylight saving during a portion or portions of the year.

(c) The governor shall promulgate a rule or rules proclaiming the termination of war time and providing the method whereby Hawaiian standard time shall be reinstated, such rule to be promulgated at such time as the governor shall determine.

Section 2. (a) "Present emergency" as used in this section means the period during which the Hawaii Defense Act remains in effect.

(b) Section 6211 of the Revised Laws of Hawaii 1935, as amended, is hereby suspended during the present emergency.

(c) During the present emergency the first two paragraphs of section 21 of the Revised Laws of Hawaii 1935, as amended, are suspended, and in lieu thereof the governor may establish territorial holidays by proclamation thereof.

Section 3. Any rule, proclamation, or other action by the governor, provided for by this Act, shall be promulgated in the manner provided for the promulgation of rules under the Hawaii Defense Act, and no public hearing shall be required prior to the promulgation thereof.

Section 4. This Joint Resolution shall take effect upon its approval.

(Approved March 9, 1943.) **S.J.R. 3, J.R. 1.**

J.R. 2.

Joint Resolution Memorializing the Congress of the United States of America to Make Appropriations for the Endowment and Maintenance of the Agricultural Experiment Station of the Territory of Hawaii in Accordance With the Provisions of the Act of Congress Entitled "An Act to Extend the Benefits of Certain Acts of Congress to the Territory of Hawaii," Approved May 16, 1928 (45 Stat. at L. 571).

Whereas, the Act of Congress entitled "An Act to extend the Benefits of Certain Acts of Congress to the Territory of Hawaii", approved May 16, 1928 (45 Stat. at L. 571), provides that the Territory of Hawaii shall be entitled to share in the benefits of the Hatch Act (24 Stat. at L. 440), as amended and supplemented by the Adams Act (34 Stat. at L. 63) and the Purnell Act (Agricultural Experiment Stations) (43 Stat. at L. 970), and authorizes certain sums to be appropriated for the endowment and maintenance of an agricultural experiment station in the Territory of Hawaii; and

Whereas, the amounts authorized to be appropriated by said Act of May 16, 1928 and those actually appropriated by the Congress have been as follows:

Fiscal Year	Amount Authorized	Amount Appropriated	Difference	Accumulated Deficit
1930.....	\$15,000	\$15,000		
1931.....	20,000	20,000		
1932.....	22,000	22,000		
1933.....	24,000	24,000		
1934.....	26,000	26,000		
1935.....	28,000	28,000		
1936.....	30,000	30,000		
1937.....	50,000	50,000		
1938.....	60,000	50,000	—\$10,000	\$10,000
1939.....	70,000	55,000	— 15,000	25,000
1940.....	80,000	60,000	— 20,000	45,000
1941.....	90,000	67,500	— 22,500	67,500
1942.....	90,000	67,500	— 22,500	90,000
1943.....	90,000	67,500	— 22,500	112,500

and

Whereas, by reason of deficiencies in the appropriations for the fiscal years 1938 to 1943, inclusive, there is at present an

accumulated deficit of \$112,500 which the Territory was entitled to be granted under the said Act of May 16, 1928; and

Whereas, the loss of \$112,500 which would have been utilized for diversified agricultural research over the past six years would have aided materially in facing the present crisis; and

Whereas, all States, regardless of size, importance, nearness to federal research centers or other factors, receive \$90,000 a year from the federal government for the support of their agricultural experiment stations; and

Whereas, the Hawaii Agricultural Experiment Station is provided with a technical staff of highly trained men, land, buildings, laboratories and other facilities for conducting agricultural research in the manner provided in the several Acts of Congress; and

Whereas, the Territory is bearing a larger portion of the cost of maintenance of its agricultural experiment station than many of the States; and

Whereas, in this time of national emergency, because of the isolation of the Territory, the production of food and feed crops is next in importance only to the maintenance of the armed forces in the Territory, if, indeed, it can be distinguished as a separate problem; and

Whereas, the production of food crops and the development of an economically sound program of diversification of crops requires continuous, intensive and detailed research; and

Whereas, such deficiencies in appropriations represent important research which might have been accomplished such as development of adapted varieties, improved cultural practices, new methods of disease and insect control, greater utilization of local feeds and by-products, control of poultry and livestock parasites and diseases, etc.; and

Whereas, the Hawaii Agricultural Experiment Station needs a greatly increased endowment to pay the necessary expenses of conducting the investigations and making the experiments upon which an adequate program of seed and food production can be based; and

Whereas, in view of the strategic position of the Territory, the agricultural problems of the Territory are of national concern as well as of vital importance to the welfare of the people of the Territory; now, therefore,

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. That the Congress of the United States of America be, and it hereby is, urgently requested (1) to give careful consideration to the facts hereinbefore set forth, and (2) to maintain

the increased appropriation made in the Federal budget to the Territory of Hawaii for its agricultural experiment station as authorized by the said Act of May 16, 1928.

Section 2. That duly authenticated copies of this Joint Resolution shall be forwarded to the President, the Secretary of Agriculture, the Secretary of the Interior, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to the Delegate to Congress from Hawaii.

Section 3. This Joint Resolution shall take effect upon its approval.

(Approved March 12, 1943.) **S.J.R. 2, J.R. 2.**

J.R. 3.

Joint Resolution Requesting Congress to Ratify and Confirm Act 16 of the Session Laws of Hawaii 1943, Further Amending Act 174 of the Session Laws of Hawaii 1935, as Amended by Act 23 of the Session Laws of Hawaii 1937, Act 58 of the Session Laws of Hawaii 1939, and Act 20 of the Special Session Laws of Hawaii 1941, by Extending the Time Within Which Revenue Bonds May Be Issued and Delivered.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. The Congress of the United States is hereby respectfully requested to ratify and confirm Act 16 of the Session Laws of Hawaii 1943, further amending Act 174 of the Session Laws of Hawaii 1935, as amended by Act 23 of the Session Laws of Hawaii 1937, Act 58 of the Session Laws of Hawaii 1939, and Act 20 of the Special Session Laws of Hawaii 1941, by extending the time within which revenue bonds may be issued and delivered to June 30, 1945.

Section 2. This Joint Resolution shall, upon its approval, be forwarded to the President of the United States, to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States, to the Secretary of the Interior and to the Delegate to Congress from the Territory of Hawaii.

Section 3. This Joint Resolution shall take effect upon its approval.

(Approved April 12, 1943.) **S.J.R. 9, J.R. 3.**

J.R. 4.

Joint Resolution Requesting the Governor and Commissioner of Public Lands to Exchange Certain Lands, and Memorializing Congress Thereafter to Amend the Hawaiian Organic Act so as to Include the Land so Acquired by the Territory in the Hawaiian Home Lands.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. That the governor and commissioner of public lands are hereby respectfully requested to exchange that certain parcel of land, comprising 12.455 acres and covered by general lease No. 2286 to Wailuku Sugar Company, Limited, for an area of land of commensurate value lying along the beach at Waihee, county of Maui.

Section 2. That the Congress of the United States is hereby respectfully requested, upon the consummation of the aforesaid exchange, to amend the Hawaiian Organic Act so as to include the land by said exchange acquired by the Territory within the Hawaiian Home Lands.

Section 3. That duly authenticated copies of this Joint Resolution be forwarded, immediately upon consummation of the aforesaid exchange, to the President of the Senate and Speaker of the House of Representatives of the United States, the Secretary of the Interior and the Delegate to Congress from Hawaii.

Section 4. This Joint Resolution shall take effect upon its approval.

(Approved April 16, 1943.) **H.J.R. 5, J.R. 4.**

J.R. 5.

Joint Resolution Giving to the Hilo Airport the Official Name of General Lyman Field.

WHEREAS, Albert Kualii Brickwood Lyman was born on the island of Hawaii on May 5, 1885, was educated at Kamehameha and Punahou Schools, and the West Point Military Academy; and

WHEREAS, Albert Kualii Brickwood Lyman was the first man of Hawaiian blood to be appointed a brigadier general of the United States Army; and

WHEREAS, General Lyman died in Hawaii in the service of his country on August 13, 1942; now therefore

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. The official name of the Hilo airport situated at Waiakea, Hilo, Hawaii shall henceforth be General Lyman Field.

Section 2. This Joint Resolution shall take effect upon its approval.

(Approved April 19, 1943.) **S.J.R. 8, J.R. 5.**

J.R. 6.

Joint Resolution Providing for the Collecting and Preservation of Material Relating to Hawaii's Part in the Present War Between the United States and Germany, Japan and Italy, and Designating the University of Hawaii as the Depository for Such Material.

WHEREAS, it will be advisable, after the termination of the present war between the United States of America and Germany, Japan and Italy, to compile a history of Hawaii's part in such war; and

WHEREAS, it is advisable to begin now to collect the necessary material, documents, pictures and information, and to preserve the same for use in preparation of such a history; now, therefore,

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. The University of Hawaii is hereby designated as the official depository of material, documents, photographs and other data relating to Hawaii's part in said war.

Section 2. It shall be the duty of the University of Hawaii to secure, collect and preserve the necessary information, documents, pictures and other data relating to Hawaii's part in the said war.

Section 3. The sum of ten thousand dollars (\$10,000.00) is hereby appropriated from the general revenues of the Territory of Hawaii not otherwise appropriated for the payment of all necessary expenses incurred by the University of Hawaii in connection with the duties imposed upon it by this Joint Resolution.

(Approved April 29, 1943.) **S.J.R. 17, J.R. 6.**

J.R. 7.

Joint Resolution Directing the Superintendent of Public Instruction to Issue a Pay Voucher, and the Auditor of the Territory to Pay on Said Voucher, to Ella Fong, Back Wages Withheld From Her in the Sum of One Hundred Eighty-five Dollars.

WHEREAS, Act 110 of the Session Laws of Hawaii 1939, provided for an increase of \$300.00 in the salary of Ella Fong, mimeograph operator in the department of public instruction for the biennium from July 1, 1939 to June 30, 1941 to be paid as follows:
 \$10.00 for 12 months from July 1, 1939 to June 30, 1940...\$120.00
 \$15.00 for 12 months from July 1, 1940 to June 30, 1941... 180.00

\$300.00

WHEREAS, said mimeograph operator has received only a \$10.00 increase from September 1, 1940, and there is now due her the following amounts:

\$10.00 for 12 months from July 1, 1939 to June 30, 1940...	\$120.00
\$15.00 for 2 months from July 1, 1940 to August 31, 1940.	30.00
\$5.00 for 7 months from September 1, 1940 to March 31, 1941	35.00
	\$185.00

now therefore,

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. That the superintendent of public instruction is hereby directed to issue a pay voucher and the auditor of the Territory of Hawaii to pay on said voucher to Ella Fong back wages withheld from said Ella Fong in the sum of one hundred eighty-five dollars.

Section 2. The superintendent of public instruction is hereby directed hereafter to issue pay vouchers for said Ella Fong in accordance with the provisions of Act 110 of the Session Laws of Hawaii 1939.

Section 3. This Joint Resolution shall take effect upon its approval.

(Approved May 5, 1943.) **S.J.R. 5, J.R. 7.**

J.R. 8.

Joint Resolution Relating to the Hawaii Agricultural Experiment Station and Requesting the President of the United States to Restore to Their Previous Status as Public Lands of the Territory of Hawaii Certain Parcels of Land Located in Honolulu, City and County of Honolulu, Territory of Hawaii, Heretofore Taken for the Uses and Purposes of the United States and Under the Management and Control of the United States Department of Agriculture, Making Provision for the Leasing of Substitute Lands for Said Experiment Station and making an Appropriation Therefor.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. The president of the United States is hereby requested to restore to their previous status as public lands of the Territory of Hawaii the parcels of land hereinafter described, to-wit:

PARTS 1 AND 2.

Portion of the Hawaii Experiment Station, under the control of the U. S. Department of Agriculture
Kewalo-uka, Honolulu, Oahu.

Being portion of the land of Kewalo-uka conveyed by the Territory of Hawaii to the United States of America by Proclamations of the Acting Governor of Hawaii, Henry E. Cooper, dated June 10, 1901 and August 16, 1901, portion of the U. S. Navy Hospital Reservation described in Presidential Executive Order 1181, dated March 25, 1910, and portion of the Quarry Reservation described in Governor's Executive Order 738, dated April 6, 1937.

Part 1—Land situate on the northwest side of
Auwaiolimu Street and north of Nehoa Street.

Beginning at a 1-½ inch galvanized iron pipe on the boundary between the lands of Auwaiolimu and Kewalo, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 1135.50 feet north and 2556.80 feet east, as shown on Government Survey Registered Map 2985, and running thence by azimuths measured clockwise from true south:—

1. 231° 12' 51.72 feet along the Auwaiolimu-Kewalo boundary to the southwest side of Auwaiolimu Street;

2. 322° 30' 493.99 feet along the southwest side of Auwai-olimu Street;
3. 232° 30' 20.00 feet along the southwest side of Auwai-olimu Street;
4. 322° 30' 134.55 feet along the southwest side of Auwai-olimu Street;
5. Thence on a curve to the right with a radius of 1116.28 feet, along same, the chord azimuth and distance being 339° 30' 652.74 feet;
6. 356° 30' 279.55 feet along the west side of Auwaiolimu Street;
7. Thence on a curve to the left with a radius of 1462.69 feet, along same, the chord azimuth and distance being 352° 18' 30" 213.83 feet;
8. 348° 07' 202.37 feet along the west side of Auwaiolimu Street;
9. Thence on a curve to the right with a radius of 269.46 feet, along same, and along the north-west side of Nehoa Street, the chord azimuth and distance being 21° 23' 30" 295.68 feet;
10. 54° 40' 117.00 feet along the northwest side of Nehoa Street;
11. Thence on a curve to the right with a radius of 214.91 feet, along same, to the south side of Punchbowl Drive, the chord azimuth and distance being 74° 27' 15" 145.50 feet;
12. 216° 40' 9.68 feet along Punchbowl Drive;
13. 257° 20' 120.00 feet along same;
14. 178° 30' 65.00 feet along same;
15. 145° 00' 25.00 feet along same;
16. 95° 10' 255.00 feet along same;
17. 183° 32' 30" 602.36 feet along same;
18. 114° 00' 30.00 feet along same;
19. 143° 22' 21.57 feet along same;
20. 73° 34' 37.60 feet along same;
21. 37° 16' 23.30 feet along same;
22. 27° 55' 65.10 feet along same;
23. 42° 02' 144.80 feet along same;
24. 60° 26' 72.36 feet along same;
25. 66° 32' 338.40 feet along same;
26. 77° 51' 29.20 feet along same;
27. 145° 46' 7.90 feet along same;
28. 219° 13' 136.90 feet along same;
29. 214° 35' 61.40 feet along same;
30. 201° 59' 66.00 feet along same;

31. $192^{\circ} 52'$ 127.60 feet along same;
32. $206^{\circ} 52'$ 30.90 feet along same;
33. $223^{\circ} 40'$ 63.80 feet along same;
34. $203^{\circ} 52'$ 31.80 feet along same;
35. $185^{\circ} 50'$ 63.50 feet along same;
36. $175^{\circ} 40'$ 95.60 feet along same;
37. $188^{\circ} 33'$ 226.40 feet along same;
38. Thence continuing along the east side of Punchbowl Drive in all its turns and windings to the Auwaiolimu-Kewalo boundary, the direct azimuth and distance being $181^{\circ} 48' 30''$ 886.26 feet;
39. $231^{\circ} 12'$ 20.00 feet along the Auwaiolimu - Kewalo boundary to the point of beginning.
Area 25.0 acres more or less.

Part 2—Land situate on the south side of Nehoa Street between Pensacola and Prospect Streets.

Beginning at the southwest corner of this parcel of land at a point above the middle of a small gully and on the east side of Prospect Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 1179.70 feet south and 2992.51 feet east, as shown on Government Survey Registered Map 3040, and running thence by azimuths measured clockwise from true south:—

1. On a curve to the left with a radius of 746.80 feet along the east side of Prospect Street, the chord azimuth and distance being $154^{\circ} 52' 32''$ 50.00 feet to a pipe;
2. Thence on a curve to the right with a radius of 50.00 feet, the chord azimuth and distance being $208^{\circ} 38' 30''$ 82.59 feet to a pipe;
3. Thence on a curve to the right with a radius of 274.91 feet, along the south side of Nehoa Street, the chord azimuth and distance being $249^{\circ} 29' 47''$ 140.72 feet to a pipe;
4. $234^{\circ} 40'$ 146.53 feet along the south side of Nehoa Street to a pipe;
5. Thence on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being $306^{\circ} 29' 08''$ 38.00 feet to a pipe;
6. Thence on a curve to the right with a radius of 634.20 feet, along the northwest side of Pensacola Street, the chord azimuth and distance being $25^{\circ} 58' 49''$ 169.42 feet to middle of a small gully;

7. Thence following up along the middle of small gully, the direct azimuth and distance being $71^{\circ} 13' 238.76$ feet to the point of beginning. Area 0.826 acre.

PART 3

Being portion of the Government land of Kewalo-uka set aside for the purpose of establishing and maintaining an agricultural experiment station by Proclamation of Acting Governor H. E. Cooper dated June 10, 1901.

Land situate above the Hawaiian Homes land transferred to the Territory of Hawaii by Presidential Executive Order 5561, dated February 18, 1931.

Kewalo-uka, Honolulu, Oahu.

Beginning at a pipe in concrete monument at the northwest corner of this parcel of land at a point called "Puu Ea" on the boundary between the lands of Auwaiolimu and Kewalo-uka said point being also the northeast corner of the land described in Presidential Executive Order 5561, dated February 18, 1931, and on the south boundary of the land described in Governor's Executive Order 790, dated March 10, 1938, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCH-BOWL" being 3255.6 feet north and 5244.7 feet east, as shown on Government Survey Registered Map 2828, and running by azimuths measured clockwise from true South:

1. Up along the top of the ridge along the land of Auwaiolimu to a pipe in concrete monument at a point called "Puu Koa", the direct azimuth and distance being $217^{\circ} 37' 1439.00$ feet;
2. Thence still up the same ridge to a concrete monument at a place called "Papaa" overlooking Pauoa Valley, the direct azimuth and distance being $229^{\circ} 27' 3051.00$ feet;
3. $356^{\circ} 45' 513.00$ feet along the land of Kalawahine to a place called Kahaumakaawe at head of stream called Kahawai o Ka Poopoo;
4. Thence down the middle of stream called Kahawai o Ka Poopoo along the land of Kalawahine to the southeast corner of the land described in Presidential Executive Order 5561, the direct azimuth and distance being $41^{\circ} 36' 30'' 4730.50$ feet;

5. 174° 30' 930.00 feet along the land described in Presidential Executive Order 5561 to the point of beginning.

Containing a gross area of 63.00 acres and a net area of 54.540 acres, after excepting and excluding therefrom Grant 8765, Apanas 1 and 2 (area 0.648 acre), Deed of Minister of Interior to W. R. Castle (area 2.232 acres), and portions of Tantalus Drive (area 5.58 acres).

Summary of Areas

Gross area	63.000 acres
Less Grant 8765, Apanas 1 and 2.....	0.648 acre
Less Deed to W. R. Castle.....	2.232 acres
Less Tantalus Drive.....	5.580 acres
	<hr/>
Net Area	54.540 acres

PART 4

Portion of the land of Auwaiolimu, on Tantalus Ridge, Kona, City and County of Honolulu, Territory of Hawaii, being the first parcel of land described in Presidential Executive Order No. 4126, mentioned therein to be acquired, and being also the same and all the land together with the residence and other buildings thereon deeded to the Territory of Hawaii by Elizabeth Schaefer, by deed dated June 4, 1925, and recorded in the Office of the Registrar of Conveyances at Honolulu, in Book 780, page 154.

Beginning at a pipe in a concrete monument on the boundary between the lands of Auwaiolimu and Kewalo, and at the south corner of the piece of land, the coordinates of said pipe in a concrete monument referred to Government Survey Triangulation Station "Punchbowl" being 4632.21 feet north and 6354.35 feet east and running by true azimuths:—

1. 172° 28' 41.13 feet along the remainder of the land of Auwaiolimu to a pipe;
2. 139° 01' 41.5 feet along same to a pipe;
3. 225° 37-½' 332.10 feet along same to a pipe;
4. 319° 01' 84.35 feet along same to a pipe on the Auwaiolimu-Kewalo boundary;
5. 45° 39' 189.5 feet along the land of Kewalo to a pipe in a concrete monument;
6. 49° 01' 165.0 feet along same to a point of beginning and containing an area of 0.636 acre.

Being the land set aside for public purposes by Executive Order No. 194 of the Governor of the Territory of Hawaii, dated June 15, 1925, as an addition to the United States Experiment Station.

Section 2. The Governor of Hawaii, the Commissioner of Public Lands, the Board of Public Lands, and the Board of Regents of the University of Hawaii, are hereby requested and authorized to take all necessary steps in order that the Territory may continue to qualify for federal endowments for the Hawaii Agricultural Experiment Station, and to enter into or make such plans, agreements or other arrangements as may be required therefor, using funds available under section 1578 of the Revised Laws of Hawaii 1935, or under appropriations therefor made by the legislature, or lands owned by the Territory or in its possession, use, and control.

Section 3. There is hereby appropriated from the general revenues of the Territory the sum of twenty-five thousand dollars (\$25,000.00) which shall be expended upon warrants on the Treasurer issued by the Auditor on vouchers approved by the Board of Regents of the University of Hawaii. Said sum shall be available for expenditure for the leasing of land for one or more agricultural experiment stations, if the same shall be desirable or necessary, for the improvement of such land, and for the construction thereon of such improvements as may be necessary or desirable.

Section 4. Any balance of the amount appropriated by section 3 of this Joint Resolution, which is not expended during the current biennium, shall be carried forward and may be expended for the purposes designated in said section 3 during any subsequent biennium, any other provisions of law to the contrary notwithstanding.

Section 5. Duly authenticated copies of this Joint Resolution shall be forwarded to the President of the United States, the Secretary of the Interior, the Secretary of Agriculture, and the Delegate to Congress from the Territory of Hawaii.

Section 6. This Joint Resolution shall take effect upon its approval.

(Approved May 14, 1943.) **S.J.R. 13, J.R. 8.**

J.R. 9

Joint Resolution Requesting the Congress of the United States to Withdraw and Restore to Their Previous Status Under the Control of the Territory Certain Hawaiian Home Lands Required for Use for Airplane Landing Fields, and to Amend Sections 202, 203 and 207 of Title 2 of the Hawaiian Homes Commission Act, 1920.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. The Congress of the United States is hereby requested to withdraw and restore to their previous status under the control of the Territory certain Hawaiian home lands required for use for airplane landing fields, and to amend sections 202, 203 and 207 of title 2 of the Hawaiian Homes Commission Act, 1920, substantially as set forth in the following form of bill:

‘A Bill

To withdraw and restore to their previous status under the control of the Territory of Hawaii certain Hawaiian home lands required for use for airplane landing fields, and to amend sections 202, 203 and 207 of title 2 of the Hawaiian Homes Commission Act, 1920, and for other purposes.

Be It Enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That section (c) of title 2 of the Act entitled ‘Hawaiian Homes Commission Act, 1920, approved July 9, 1921 (42 Stat. 108), as amended, be further amended to read as follows:

‘(c) One of the members shall be designated by the governor as chairman. An executive officer and such clerical assistants as may be necessary shall be appointed by the commission to serve at its pleasure. The executive officer shall reside habitually at the major Hawaiian Homes Settlement. He shall receive an annual salary in such amount as shall be set by the commission from time to time, not to exceed \$6,000.00, provided, that if the compensation for like positions in the territorial service is fixed by classification thereof, pursuant to any schedule established by legislative or executive authority, such compensation may equal but shall not exceed the amount certified for the position by the board, commission, officer or other agency determining such classifications for the territorial service, in accordance with established territorial procedure. Clerical assistants shall be paid in accordance with territorial practice for such

services. The members of the commission shall serve without pay, but shall receive actual expenses incurred by them in the discharge of their duties as such members. Of the originally appointed members one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, one for a term of five years. Their successors shall hold office for terms of five years except that any member appointed to fill a vacancy shall be appointed only for the unexpired term of the member whom he succeeds. A member may also be removed by the governor for cause after due notice and public hearing.'

Section 2. So much of section 203 of title 2 of the Hawaiian Homes Commission Act, 1920, as amended, as designates the land hereinafter described as available lands within the meaning of that Act, is hereby repealed and the land restored to its previous status under the control of the Territory of Hawaii.

On the Island of Molokai: That portion of Palaaui, Apana 2, being an addition to the Molokai airplane landing field, as follows:

Parcel 1: As returned to the commissioner of public lands of the Territory of Hawaii by resolution numbered 68 of the Hawaiian Homes Commission, dated March 3, 1941, and consisting of thirteen and five hundred and twenty-seven one-thousandths acres, more or less, more particularly described as follows:

Beginning at the southeast corner of this piece of land, on the west boundary of the present Molokai airport, the true azimuth and distance from the northwest corner of the Molokai airport (executive order numbered 809) being no degrees fifty-six minutes thirty seconds two hundred and forty-two feet, and the coordinates of said point of beginning referred to Government Survey Triangulation Station Middle Hill being one and fifteen one-hundredths feet north and sixteen thousand one hundred and twenty-eight and one one-hundredths feet west, thence running by true azimuths measured clockwise from south:

(1) Sixty degrees twenty-five minutes eight hundred and forty-one and seventy-four one-hundredths feet along the remainders of fifty-foot road and lot 170 of the Hawaiian Homes land;

(2) One hundred and eighty degrees fifty-six minutes thirty seconds eight hundred and twelve and sixty-two one-hundredths feet along the remainder of lot 170 of the Hawaiian homes land;

(3) Two hundred and forty degrees twenty-five minutes eight hundred and forty-one and seventy-four one-hundredths feet along the remainders of lot 170, Pine Avenue, lot 158 and fifty-foot road of the Hawaiian Homes land, to the west side of the present Molokai airport; and

(4) No degrees fifty-six minutes thirty seconds eight hundred and twelve and sixty-two one-hundredths feet along the west side of the present Molokai airport to the point of beginning.

On the island of Hawaii: Those portions of Keaukaha, tract I, being additions to the Hilo airplane landing field, comprising several parcels of land as follows:

Parcel 1: Land situated at Keaukaha, tract 1, Waiakea, South Hilo, island of Hawaii, Territory of Hawaii, being portions of lots 96, 97, 182, 183, 184, 185, Desha Avenue, and twenty-five-foot alley, of the Keaukaha residence lots, as shown on Government Survey Registered Maps 2723 and 3017, on file in the office of the territorial surveyor at Honolulu.

Beginning at the south corner of this piece of land, and on the west boundary of the Hawaiian Homes land, the true azimuth and distance from the northwest corner of the Hilo airport addition, as shown on Government Survey Registered Maps 2723 and 3017 on file in the office of the territorial surveyor at Honolulu, and on the south side of Kamehameha Avenue, being one hundred and eighty degrees no minutes four hundred and three and thirty-one one-hundredths feet, and the coordinates of said point of beginning referred to Government Survey Triangulation Station Halai being two thousand five hundred and twenty and thirty-one one-hundredths feet north and fifteen thousand five hundred and fifty-three one-hundredths feet east, thence running by azimuths measured clockwise from true south:

1. One hundred and eighty degrees no minutes six hundred and fifteen and ninety-five one-hundredths feet along Government land and tract A of grant deed by Territory of Hawaii to Hilo Railroad Company;

2. Three hundred and ten degrees forty-two minutes four hundred and one and sixty-six one-hundredths feet along the remainders of Desha Avenue, lots 96, 97, twenty-five-foot alley, and lot 182 of the Keaukaha residence lots; and

3. Forty degrees forty-two minutes four hundred and sixty-six and ninety-seven one-hundredths feet along the remainders of lots 182, 183, 184, 185, and Desha Avenue of the Keaukaha residence lots to the point of beginning, and containing an area of two and one hundred and fifty-five one-thousandths acres, more or less.

Parcel 2: Land situated on the south side of Kamehameha Avenue, at Keaukaha, tract 1, Waiakea, South Hilo, island of Hawaii, Territory of Hawaii, being all of lots 449 to 486, inclusive, all of lots 546 to 564, inclusive, and portions of Kauhane, Spencer, Pua, and Kamaka Avenues of the Keaukaha residence lots, as shown on Government Survey Registered Maps 2723 and 3017, on file in the office of the territorial surveyor at Honolulu.

Beginning at the northwest corner of this piece of land, being also the southwest corner of Kamehameha and Kauhane Avenues, the coordinates of said point of beginning referred to Government Survey Triangulation Station Halai being two thousand one hundred and seventeen feet north and sixteen thousand eight hundred and eighty feet east, thence running by azimuths measured clockwise from true south:

1. Two hundred and seventy degrees no minutes two thousand and seventeen and eighty-five one-hundredths feet along the south side of Kamehameha Avenue;

2. Three hundred and sixty degrees no minutes four hundred and fifty feet along lots 448 and 487 of the Keaukaha residence lots;

3. Three hundred and sixty degrees no minutes fifty feet across Kamaka Avenue;

4. Three hundred and sixty degrees no minutes two hundred and twenty-five feet along lot 545 of the Keaukaha residence lots;

5. Ninety degrees no minutes three hundred and ninety-two and forty-eight one-hundredths feet along lots 583, 582, 581, and 580 of the Keaukaha residence lots;

6. Ninety degrees no minutes fifty feet across Pau Avenue;

7. Ninety degrees no minutes eight hundred and one and fifteen one-hundredths feet along lots 579, 578, 577, 576, 575, 574, 573, and 572 of the Keaukaha residence lots;

8. Ninety degrees no minutes fifty feet across Spencer Avenue;

9. Ninety degrees no minutes six hundred and seventy-four and twenty-two one-hundredths feet along lots 571, 570, 569, 568, 567, 566, and 565 of the Keaukaha residence lots;

10. Ninety degrees no minutes fifty feet across Kauhane Avenue; and

11. One hundred and eighty degrees no minutes seven hundred and twenty-five feet along Puuhala Reserve and the present Hilo airport addition, as shown on Government Survey Registered Maps 2723 and 3017 on file in the office of the territorial surveyor at Honolulu, to the point of begin-

ning, and containing an area of thirty-three and five hundred and eighty-five one-thousandths acres, more or less.

Parcel 3. As returned to the commissioner of public lands of the Territory of Hawaii by resolution numbered 78 of the Hawaiian Homes Commission, dated May 13, 1942. Land situated at Keaukaha, tract 1, Waiakea, south Hilo, island of Hawaii, Territory of Hawaii, being the whole of lots 446, 447, 448, 487, 488, 489, 543, 544, 545, 584, 585, and 586 and portions of lots 581, 582, and 583 and a portion of Kamaka Avenue, of the Keaukaha residence lots, as shown on Government Survey Registered Maps 2723 and 3017, more particularly described as follows:

Beginning at the northeast corner of this piece of land, being also the northeast corner of lot 446 and the southwest corner of Kamehameha and Baker Avenues, the true azimuth and distance from the northwest corner of Hilo airport addition (of twenty and fifty-four one-hundredths acres and on the south side of Kamehameha Highway), as shown on Government Survey Registered Maps 2723 and 3017, being two hundred and seventy degrees no minutes and three thousand six hundred and eighty-eight and seventy one-hundredths feet, and the coordinates of said point of beginning referred to Government Survey Triangulation Station Halai being two thousand one hundred and seventeen feet north and nineteen thousand one hundred and ninety-two and twenty-three one-hundredths feet east, thence running by azimuths measured clockwise from true south:

1. Three hundred and sixty degrees no minutes four hundred and fifty feet along the west side of Baker Avenue;

2. Three hundred and sixty degrees no minutes fifty feet across Kamaka Avenue;

3. Three hundred and sixty degrees no minutes four hundred and fifty feet along the west side of Baker Avenue;

4. Ninety degrees no minutes two hundred and ninety-four and thirty-eight one-hundredths feet along the north side of Kawika Avenue;

5. One hundred and eighty degrees no minutes one hundred and twelve and fifty one-hundredths feet along lot 583 of the Keaukaha residence lots;

6. One hundred and ten degrees fifty-five minutes three hundred and fifteen and thirteen one-hundredths feet along the remainders of lots 583, 582, and 581 of the Keaukaha residence lots;

7. Two hundred and seventy degrees no minutes two hundred and ninety-four and thirty-six one-hundredths feet along lots 548, 547, and 546 of the Keaukaha residence lots:

8. One hundred and eighty degrees no minutes two hundred and twenty-five feet along lot 546 of the Keaukaha residence lots;

9. One hundred and eighty degrees no minutes fifty feet across Kamaka Avenue;

10. One hundred and eighty degrees no minutes four hundred and fifty feet along lots 486 and 449 of the Keaukaha lots to the south side of Kamehameha Avenue; and

11. Two hundred and seventy degrees no minutes two hundred and ninety-four and thirty-eight one-hundredths feet along the south side of Kamehameha Avenue to the point of beginning and containing an area of six and eighty one-hundredths acres.

Parcel 4: As returned to the commissioner of public lands of the Territory of Hawaii by resolution numbered 78 of the Hawaiian Homes Commission, dated May 13, 1942. Land situated at Keaukaha, tract 1, Waiakea, South Hilo, island of Hawaii, Territory of Hawaii, being the whole of lots 93, 94, 95, 98, 99, 100, 101, and 102 and portions of lots 92, 96, 97, and 103 and a portion of Desha Avenue of the Keaukaha residence lots, as shown on Government Survey Registered Maps 2723 and 3017, more particularly described as follows:

Beginning at the northwest corner of this piece of land, being also the northwest corner of lot 94 and on the southeast side of twenty-five-foot road, the true azimuth and distance from the northwest corner of Hilo airport addition (of twenty and fifty-four one-hundredths acres and on the south side of Kamehameha Highway), as shown on Government Survey Registered Maps 2723 and 3017, being one hundred and eighty degrees no minutes one thousand seven hundred and fifty-one and eighty-seven one-hundredths feet, and the coordinates of said point of beginning referred to Government Survey Triangulation Station Halai being three thousand eight hundred and sixty-eight and eighty-seven one-hundredths feet north and fifteen thousand five hundred and three and fifty-three one-hundredths feet east, thence running by azimuths measured clockwise from true south:

1. Two hundred and forty-three degrees fifty minutes one hundred and seventy-seven and ninety-three one-hundredths feet along the southeast side of twenty-five-foot road;

2. Three hundred and thirty-three degrees fifty minutes two hundred and thirty-five and sixty one-hundredths feet along lot 92 of the Keaukaha residence lots;

3. Two hundred and forty-three degrees fifty minutes one hundred feet along the remainder of lot 92 of the Keaukaha residence lots;

4. Three hundred and thirty-three degrees fifty minutes two hundred feet along lot 91 of the Keaukaha residence lots;

5. Three hundred and thirty-three degrees fifty minutes fifty feet across Desha Avenue;

6. Two hundred and forty-three degrees fifty minutes one hundred feet along the southeast side of Desha Avenue;

7. Three hundred and thirty-three degrees fifty minutes two hundred and thirty-five and sixty one-hundredths feet along lot 103 of the Keaukaha residence lots;

8. Two hundred and forty-three degrees fifty minutes one hundred feet along the remainder of lot 103 of the Keaukaha residence lots;

9. Three hundred and thirty-three degrees fifty minutes two hundred feet along the southwest side of Kauhane Avenue;

10. Sixty-three degrees fifty minutes six hundred and eighty-eight and thirty-six one-hundredths feet along the northwest side of twenty-five-foot road;

11. One hundred and thirty degrees forty-two minutes two hundred and eighty-six and seventy-three one-hundredths feet along the remainders of lots 97 and 96 and Desha Avenue of the Keaukaha residence lots; and

12. One hundred and eighty degrees no minutes seven hundred and thirty-two and sixty-one one-hundredths feet along Government land and tract A of grant deed by the Territory of Hawaii to Hilo Railroad Company to the point of beginning and containing an area of ten and eight hundred and forty-nine one-thousandths acres.

Section 3. That section 207 (1) (a) of the Hawaiian Homes Commission Act, 1920, as amended, be amended to read as follows:

‘(a) The commission is authorized to lease to native Hawaiians the right to the use and occupancy of a tract or tracts of Hawaiian Home lands within the following acreage limits per each lessee: (1) not less than one nor more than forty acres of agricultural lands; or (2) not less than one hundred nor more than five hundred acres of first-class pastoral lands; or (3) not less than two hundred and fifty nor more than one thousand acres of second-class pastoral lands; or (4) not more than one acre of any class of land to be used as a residence lot: Provided, however, that in the case of any existing lease of a farm lot in the Kalanianaʻole Settlement on Molokai, a residence lot may exceed one acre but shall not exceed four acres in area, the location of such area to be selected by the lessee concerned: And provided further, that a lease granted to any lessee may include both a residence and an agricultural or

pastoral lot, the gross acreage of both lots not to exceed the maximum acreage of either the agricultural or pastoral lot, as the case may be, and as provided for in this section: And provided further, that any such detached residence lot shall be located on the same island as the agricultural or pastoral lot concerned, and within a reasonable distance thereof. The commission is also authorized to grant licenses for terms of not to exceed twenty-one years in each case, to public utility companies or corporations as easements for railroads, telephone lines, electric power and light lines, gas mains, and the like.'

Section 4. That section 207 (1) of the Hawaiian Homes Commission Act, 1920, as amended, be further amended by adding thereto a new subsection to be numbered '(c)' to read as follows:

'(c) The commission is also authorized, with the approval of the governor, to grant licenses to the United States for terms not to exceed five years, for reservations, roads and other rights of way, water storage and distribution facilities, and practice target ranges: Provided, that any such license may be extended from time to time by the commission, with the approval of the governor, for additional terms of three years: And provided further, that any such license shall not restrict the areas required by the commission in carrying on its duties, nor interfere in any way with the commission's operation or maintenance activities.'"

Section 2. This Joint Resolution, upon its approval, shall be forwarded to the President of the United States, to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States, and to the Delegate to Congress from the Territory of Hawaii.

Section 3. This Joint Resolution shall take effect upon its approval.

(Approved May 15, 1943.) **S.J.R. 12, J.R. 9.**

J.R. 10

Joint Resolution to Create the Land Laws Revision Commission, Prescribing Its Powers and Duties and Making an Appropriation Therefor.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. There is hereby created a commission of three persons, to be known as the "Land Laws Revision Commis-

sion", charged with the duty of conducting a thorough study of the provisions of the Hawaiian Organic Act and of all statute laws governing the public lands of the Territory, their present operation and effect, and of reporting to the Governor, on or before January 1, 1945, its recommendations of such changes therein as in its opinion are necessary in order to promote the best possible use and disposition of such lands in view of presently existing conditions.

The Governor shall appoint the members of the commission as in section 80 of the Organic Act provided, and shall designate one of such members as chairman. The chairman shall employ all necessary stenographic and clerical assistants.

The members of the commission shall serve without pay, but they, and their stenographic and clerical assistants, shall be entitled to and receive their necessary traveling expenses incurred in the discharge of their duties. The commission, with the approval of the Governor, shall be entitled to call upon all territorial and county officials for such assistance as is needed. It shall hold public meetings in each of the counties after duly published notice thereof.

Section 2. There is hereby appropriated from the territorial general fund the sum of \$5,000.00, to become available upon appointment by the Governor of the said commission, so much thereof as is necessary to be expended on vouchers approved by the chairman of the commission for the aforesaid traveling expenses and compensation to assistants employed.

Section 3. This Joint Resolution shall take effect upon its approval, and the terms of the aforesaid commissioners shall expire, and this Resolution shall cease to be effective, on the date of the expiration of the regular session of the 1945 legislature.

(Approved May 15, 1943.) **H.J.R. 7, J.R. 10.**

J.R. 11

Joint Resolution Requesting Action by the Commissioner of Public Lands, and Making an Appropriation for Use by Said Commissioner in Connection With Such Requests.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. That the Governor of the Territory of Hawaii and the commissioner of public lands of the Territory of Hawaii be, and they are hereby respectfully requested to take all

steps necessary to select and make available to persons found qualified such public lands found to be suitable for increasing food production on the island of Hawaii, and through all proper agencies facilitate the cultivation of said lands and the financing thereof.

Section 2. That the commissioner of public lands is hereby requested and directed to acquire by purchase or condemnation for use by the United States as part of the Hawaii National Park, that certain parcel of land situate at Kamoamoa, in the district of Puna, county of Hawaii, described and designated as Royal Patent 1665, Land Commission Award 8515-B Part 1, to Kaoanaeha, being also the same parcel of land in Land Court Application 1374, being an application for the registration of title now pending in the Land Court of the Territory of Hawaii, The Queen's Hospital, applicant, and containing an area of 10,511 acres.

Section 3. That in the event that the land described in section 2 hereof does not require the entire amount herein-after appropriated for its purchase, the commissioner of public lands is hereby authorized to expend any surplus in said amount, left after the acquisition of such land, in the purchase of such other lands as he may deem necessary or proper for the use by the United States as part of said national park.

Section 4. There is hereby appropriated out of the general funds of the Territory of Hawaii the sum of fifteen thousand dollars (\$15,000.00) or so much thereof as may be necessary to carry out the purpose of this Joint Resolution, and the payment thereof shall be by the treasurer of the Territory upon warrants issued by the auditor, upon vouchers signed by the commissioner of public lands.

Section 5. This Joint Resolution shall take effect upon its approval.

(Approved May 17, 1943.) **H.J.R. 6, J.R. 11.**

J.R. 12

Joint Resolution Relating to the Annual Filing Requirements and Certificates of Authority of Insurance Companies Organized Under the Laws of the Commonwealth of the Philippines or of the Philippine Islands and Doing Business in the Territory of Hawaii.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. During such period as the insurance commis-

sioner shall determine that it is impossible for any insurance company organized under the laws of the Commonwealth of the Philippines or of the Philippine Islands and doing business in the Territory of Hawaii to comply with the provisions of Chapter 224 of the Revised Laws of Hawaii 1935 as amended, with respect to the filing of documents in his office, the requirement thereof shall be waived. The commissioner shall grant annual renewals of authority to any such company upon the filing of such statements, applications, certificates and declarations as the commissioner may from time to time reasonably require and subject to such conditions as the commissioner may from time to time impose.

Section 2. This Joint Resolution shall take effect upon its approval.

(Approved May 18, 1943.) **S.J.R. 16, J.R. 12.**

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1941, Sp.S., Act 29	Am	95, 96
1941, Sp.S., Act 54	Am	317, 318
1941, Sp.S., Act 83	Am	36

* Note: Acts given R.L. numbers are not included in this list.